

EXHIBIT 24

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - -

IN RE: TERRORIST ATTACKS : 03-MDL-1570
ON SEPTEMBER 11, 2001 : (GBD) (SN)

- - -

JUNE 9, 2021
THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

- - -

Remote Videotaped
Deposition, taken via Zoom, of OMAR
AL-BAYOUMI, commencing at 7:04 a.m., on
the above date, before Amanda
Maslynsky-Miller, Certified Realtime
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 of that sort.

2 Q. What work?

3 A. (In English) The finance.

4 (Through Interpreter)

5 Finance.

6 Q. So the assignment to airways
7 engineering was a promotion for you?

8 A. No. It was an opportunity.

9 Q. And who selected you for
10 that opportunity?

11 A. The flying department.

12 INTERPRETER ABDEL-RAHMAN:

13 Aviation.

14 MR. BEETAR: Aviation.

15 BY MR. POUNIAN:

16 Q. And who in that department
17 selected you?

18 A. The head of my department
19 suggested me.

20 Q. And who was that?

21 A. I don't remember. It's a
22 big department. But the head was --

23 INTERPRETER MIKHAIL: The
24 interpreter is just going to ask

1 for the name repetition.

2 THE WITNESS: Qasim Sharif.

3 BY MR. POUNIAN:

4 Q. And this was the head of the
5 finance department?

6 A. Correct. It was him and
7 another one called Ibrahim de la Jeki.

8 Q. What was your job at the
9 airways engineering?

10 A. So they were getting ready
11 for me to head the finance department.

12 Q. The finance department in
13 airways engineering?

14 A. Correct.

15 Q. And who was getting you
16 ready for that?

17 A. Who was getting me ready?

18 Q. I'm saying, who was the one
19 responsible for you at the -- at airways
20 engineering?

21 MR. SHEN: Objection to the
22 form.

23 MR. BEETAR: The witness had
24 said Alp Karli.

1 BY MR. POUNIAN:

2 Q. And who is Alp Karli?

3 A. (In English) He is the head
4 of the division.

5 (Through Interpreter) He is
6 the head of the division of the finance
7 and contracts.

8 Q. Did he work for the PCA?

9 A. No.

10 Q. Who did he work for?

11 MR. KRY: Objection to form.

12 THE WITNESS: Do I answer?

13 MR. SHEN: Yes, you can
14 answer.

15 THE WITNESS: What's the
16 question?

17 BY MR. POUNIAN:

18 Q. I asked who did he work for?

19 MR. KRY: Same objection.

20 THE WITNESS: ANSS. He was
21 working for the ANSS.

22 BY MR. POUNIAN:

23 Q. Who did he report to, Alp
24 Karli?

1 INTERPRETER MIKHAIL: Who
2 was the direct head? That was
3 inputted by the monitor
4 interpreter.

5 Who was his higher up, his
6 direct higher up.

7 THE WITNESS: He worked for
8 Dell.

9 THE WITNESS: (In English)
10 Dallah.

11 MR. KRY: Objection to form.

12 BY MR. POUNIAN:

13 Q. That was not my question,
14 sir.

15 I asked who was his
16 immediate supervisor.

17 A. Immediate supervisor is
18 Dallah.

19 MR. KRY: Same objection.

20 THE WITNESS: And the head
21 of the airway engineering.

22 BY MR. POUNIAN:

23 Q. And who is the head of the
24 airways engineering?

1 of USIU that were produced to us in this
2 case.

3 Is this your letter, sir?

4 A. I do not know.

5 Q. Well, do you have any reason
6 to believe it's not your letter?

7 A. I don't remember.

8 Q. Well, did you read through
9 it, sir?

10 A. I did not read all of it.

11 Q. Well, could you read --
12 could you read it, sir?

13 A. (In English) Yes.

14 Q. Is the letter correct?

15 MR. SHEN: Objection to
16 form. What part of the letter?
17 What are you referring to?

18 MR. POUNIAN: I'm just
19 asking, can he --

20 BY MR. POUNIAN:

21 Q. Can you recognize this as a
22 letter you wrote, having read it, sir?

23 A. I do not know. This is a
24 very old matter. I do not know.

1 Q. Well, this was found in the
2 files of USIU, and it discusses the
3 history of your employment.

4 Did you read that in the
5 first paragraph, sir?

6 A. (In English) Yes.

7 Q. Are the facts there
8 correct --

9 A. (In English) Yes.

10 Q. -- about your employment?

11 A. (In English) Yes.

12 (Through Interpreter) Yes.

13 Q. Okay. Thank you.

14 Now, sir, do you have any
15 reason to believe this is not your
16 letter?

17 MR. SHEN: Objection.

18 THE WITNESS: No, I do not
19 have any reason to say that it's
20 not my letter. But I don't
21 remember because it's quite of an
22 old matter. I don't remember.

23 BY MR. POUNIAN:

24 Q. Sir, do you know a man named

1 Saad al Habib?

2 A. Yes.

3 Q. Do you know him today?

4 A. Today?

5 Q. When is the last time you
6 were in contact with Saad al Habib?

7 A. I don't remember; 15 years
8 ago, 20 years, something like that.

9 Q. And did you know other
10 members of his family?

11 A. Do I know them? No.

12 Q. Do you know Saad Habib's
13 father, Mohamed al Habib?

14 A. No, I do not know him.

15 Q. Have you ever had contact
16 with Mohamed -- a Mohamed al Habib?

17 A. No.

18 Q. Did there come a time, sir,
19 when you were given a power of attorney
20 to purchase property in El Cajon,
21 California for a mosque?

22 A. Yes.

23 Q. And who gave you the power
24 of attorney?

1 A. It was somebody from
2 al Habib's family, either Saad Habib or
3 his brother. But my relationship was
4 with Saad al Habib.

5 Q. What was your relationship?

6 A. He was a student in San
7 Diego.

8 Q. When?

9 A. He was a student in San
10 Diego when I came. It was 1994 or 1995.

11 Q. And where did you meet him?

12 A. Saad Habib, when I met him?
13 I think I met him at the mosque.

14 Q. Which mosque?

15 A. Islamic Center in San Diego.

16 Q. And when was that, sir, that
17 you met him?

18 A. I think the year '94.

19 Q. And is that the year that
20 you arrived in San Diego?

21 A. Yes, yes.

22 Q. And is that the year that
23 you met Omar Hammerman?

24 A. Yes. Exactly.

1 Q. And you also met him at the
2 ICSD mosque; is that right?

3 A. Yes.

4 Q. And how did it -- how did it
5 happen that you received a power of
6 attorney to help purchase a property?

7 A. He showed interest in buying
8 a property in the community so they can
9 pray at.

10 Q. Who showed interest?

11 A. Saad.

12 Q. And where was -- where was
13 Saad when he showed interest to you?

14 A. He talked to me over the
15 phone, then he visited me in San Diego.

16 Q. And when did he visit you?

17 A. The year '94, I think. I'm
18 not sure.

19 Q. And you said that you first
20 met him at the ICSD mosque and then he
21 came to visit you the same year?

22 A. He didn't come to visit me.
23 He came to see the mosque.

24 Q. Which mosque?

1 A. He came to complete the
2 documents for Al-Madina Mosque.

3 Q. And when did he make that
4 visit?

5 A. I think '94.

6 Q. When did the mosque open?

7 A. Honestly, I don't remember.
8 I don't remember.

9 MR. POUNIAN: Can we go on
10 the FBI record, please?

11 - - -

12 (FBI Protected Material.)

13 - - -

14 VIDEO TECHNICIAN: One
15 moment. Still going on.

16 All right. Everyone should
17 be in.

18 MR. POUNIAN: Put before the
19 witness FBI 1353, please.

20 - - -

21 (Whereupon, Exhibit
22 al-Bayoumi-684, FBI 1353, was
23 marked for identification.)

24 - - -

1 BY MR. POUNIAN:

2 Q. Sir --

3 MR. POUNIAN: Could we put
4 before -- the Arabic version of
5 this letter, both pages, please?

6 THE WITNESS: Yes.

7 MR. POUNIAN: If we could
8 have the second page also. Can we
9 have the Arabic side by side?

10 BY MR. POUNIAN:

11 Q. Sir, is this a letter that
12 you wrote to Saad Habib?

13 A. Yes.

14 Q. And it's dated August 10th,
15 1998; is that right?

16 A. Yes. Yes. That's correct.

17 Q. And the very first sentence
18 of the letter states that -- or the
19 second sentence states that prayer would
20 start at the mosque on July 31st, 1998;
21 is that right?

22 A. Yes.

23 Q. And is that when the mosque
24 opened?

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1 A. Yes.

2 Q. And am I correct that you
3 were the general supervisor of the
4 mosque?

5 A. I was a volunteer. And we
6 would prepare the mosque for the people
7 who want to pray there.

8 Q. Sir, am I correct that you
9 were the general supervisor of the
10 mosque?

11 A. Yes. In the beginning, yes.
12 And then gradually it went down, until I
13 went away.

14 Q. Before the mosque opened, am
15 I correct, sir, that you helped purchase
16 the land and helped get the mosque in
17 shape to open; is that right?

18 A. Yes.

19 Q. And who -- how did the
20 mosque get its name?

21 A. From the community.

22 Q. What is the -- what is the
23 name of the mosque?

24 INTERPRETER Al-HALABI: I

1 think the witness is frozen.

2 - - -

3 (Whereupon, a discussion off
4 the record occurred.)

5 - - -

6 VIDEO TECHNICIAN: Off the
7 record, 11:35 a.m.

8 - - -

9 (Whereupon, a brief recess
10 was taken.)

11 - - -

12 VIDEO TECHNICIAN: Back on
13 the record at 11:49 a.m.

14 BY MR. POUNIAN:

15 Q. Sir, the mosque is named
16 Masjid Al-Madina al Munawwarah?

17 A. (In English) Yes.

18 Q. What does that mean?

19 A. The community named it with
20 that name. Masjid Al-Madina al
21 Munawwarah.

22 Q. My question, sir, was what
23 does that name mean?

24 A. Al-Madina Munawwarah is a

1 city in Saudi Arabia. It's called
2 Al-Madina Munawwarah.

3 Q. And how was it that the
4 community gave the mosque the name after
5 the city of Al-Madina?

6 A. Al-Madina Munawwarah is the
7 city of the Prophet Mohamed.

8 Q. I'm asking, how did it come
9 that the community gave the mosque that
10 name?

11 A. The community -- there is a
12 Kurdish community. They gave it that
13 name. They chose the name.

14 Q. And how did they do that?

15 A. They just named it Al-Madina
16 Munawwarah.

17 Q. Did they have a meeting and
18 do that?

19 INTERPRETER AL-HALABI: I'm
20 sorry, Steve, I didn't hear the
21 question.

22 BY MR. POUNIAN:

23 Q. Did they have a meeting at
24 which they agreed to that, or how did it

1 A. I don't remember. I don't
2 remember exactly, 400; 300, 400. I don't
3 remember exactly. It's all written down.

4 Q. Are you talking about
5 hundred thousand dollars, \$400,000?

6 A. Yes. Yes, approximately.

7 Q. Now, during the time before
8 the mosque opened, did you call the Saudi
9 Embassy in Washington regarding the
10 mosque?

11 A. No.

12 MR. POUNIAN: We're on the
13 FBI record? If we're not, can we
14 go on it, please?

15 Can we mark as the next
16 exhibit FBI 1344, please?

17 - - -

18 (Whereupon, Exhibit
19 al-Bayoumi-685, FBI 1343, was
20 marked for identification.)

21 - - -

22 MR. POUNIAN: And that will
23 be 685.

24 VIDEO TECHNICIAN: Steve,

1 still on FBI or off?

2 MR. POUNIAN: We're on FBI,
3 yes.

4 VIDEO TECHNICIAN: Thank
5 you.

6 BY MR. POUNIAN:

7 Q. Sir, is this a letter that
8 you wrote to Mussaed al Jarrah?

9 A. Yes.

10 Q. And how did you know Mussaed
11 al Jarrah?

12 A. From the embassy's
13 reception.

14 Q. And can you explain that to
15 us, sir? What do you mean by that?

16 A. Explain what?

17 Q. How you know Mr. Jarrah from
18 the embassy's reception.

19 A. Any student that needs
20 anything would call the embassy. Say
21 they need furniture for the mosque, they
22 would ask, who is responsible for that?
23 They would say, okay, this is the person
24 responsible for this matter. Therefore,

1 they would contact that person who is
2 responsible.

3 Q. And you did call the embassy
4 regarding the mosque before it opened; is
5 that correct?

6 INTERPRETER MIKHAIL: Call
7 the embassy regarding the mosque
8 and --

9 BY MR. POUNIAN:

10 Q. I'm sorry, my question was,
11 and you did call the embassy regarding
12 the mosque before it opened; is that
13 correct?

14 MR. SHEN: Objection.

15 THE WITNESS: Perhaps that
16 transpired, yes.

17 BY MR. POUNIAN:

18 Q. And in that call you got the
19 name of Mussaed al Jarrah as the person
20 to talk to?

21 MR. SHEN: Objection.

22 THE WITNESS: Yes.

23 BY MR. POUNIAN:

24 Q. And what was your

1 understanding that Mussaed al Jarrah was
2 responsible for?

3 A. They said that he's the one
4 responsible for the religious and Islamic
5 affairs.

6 Q. And did you then speak to
7 Mr. Jarrah on the phone?

8 A. I don't remember if it was
9 him or one of the assistants or who
10 exactly it was. I got the message
11 across, that's what I remember.

12 Q. In this letter it states --
13 in the first sentence, you state, This is
14 in reference to the phone call regarding
15 the furniture, Qurans, books and
16 booklets.

17 Do you see that, sir?

18 A. Yes.

19 Q. And is it fair to say you
20 had a phone call with Mr. Jarrah before
21 writing this letter?

22 MR. SHEN: Objection to
23 form.

24 THE WITNESS: I do not

1 remember, no.

2 BY MR. POUNIAN:

3 Q. Well, given the fact that
4 you're referring to a phone call and
5 writing Mr. Jarrah a letter, can we
6 assume that you spoke to him on the phone
7 before writing this letter?

8 MR. SHEN: Objection. Calls
9 for speculation.

10 THE WITNESS: I don't
11 understand the question.

12 BY MR. POUNIAN:

13 Q. My question is, sir, that
14 you wrote Mr. Jarrah a letter in
15 reference to the phone call.

16 Am I correct that you had a
17 phone call with Mr. Jarrah that was the
18 subject matter of this letter?

19 MR. SHEN: Objection to
20 form. Asked and answered.

21 THE WITNESS: Perhaps there
22 was a phone call with the
23 receptionist -- perhaps there was
24 a phone call with the reception

1 the mosque put those phone numbers in
2 your -- in Omar's phone book after it
3 showed that they were dialed from the
4 phone at the mosque that was under your
5 name?

6 MR. SHEN: Objection to
7 form.

8 THE WITNESS: The question
9 is not clear.

10 BY MR. POUNIAN:

11 Q. Sir, the question is, did
12 you put these numbers in the phone book
13 or have someone else do it?

14 Were you responsible for
15 these numbers being in Omar's phone book?

16 MR. SHEN: Objection. Asked
17 and answered.

18 THE WITNESS: No.

19 BY MR. POUNIAN:

20 Q. You're saying you didn't put
21 those in the phone book, right?

22 A. You are talking about so
23 many years ago. I do not know.

24 I'd like to explain. There

1 are volunteers, there are names -- there
2 are sheets with names on them and any of
3 the volunteers can input the names that
4 are on the sheets in the phone book.

5 And like I explained also,
6 there are other people that would try to
7 reach to the embassy. It's not
8 necessarily me, perhaps somebody tried,
9 somebody else tried, or a third person
10 tried. It's possible. It's not
11 necessarily that I'm the one who made all
12 these phone calls.

13 Q. Where was the phone located?

14 A. The phone? There were two
15 phones in the office, and the office was
16 open all the time.

17 Q. And the office was your
18 office?

19 A. (In English) On the second
20 floor. The second floor, two offices.

21 (Through Interpreter) On the
22 second floor. And there were two
23 offices. And anybody can make phone
24 calls, families can make phone calls,

1 anyone can make phone calls.

2 Q. What phone numbers were at
3 that location, sir?

4 MR. SHEN: Objection. Can
5 you just clarify the question,
6 please?

7 MR. POUNIAN: Sure.

8 BY MR. POUNIAN:

9 Q. There was a phone in your
10 office; am I correct, sir?

11 A. Yes, yes. The telephone is
12 common. There's a telephone here and
13 there's a telephone in the other office.

14 Q. How many different numbers
15 did the mosque have, sir?

16 A. They were not different
17 numbers. It was the same.

18 Q. You're saying there's only
19 one number for the mosque?

20 A. Yes.

21 Q. And you're saying that this
22 Exhibit-687 --

23 MR. POUNIAN: If we can put
24 the phone number in front of the

1 witness, please. Go to the first
2 page.

3 BY MR. POUNIAN:

4 Q. You're saying that this
5 phone number at the upper left corner is
6 the only phone that was operating at the
7 mosque at the time?

8 A. I don't remember the exact
9 number. But if this is the number
10 written, then more likely it is it. I
11 don't remember exactly the number.

12 Q. I'm not asking you to
13 remember the number, sir.

14 I'm asking you to tell us,
15 was there only one number there at the
16 mosque?

17 A. Yes. There was only one
18 number, yes.

19 Q. Sir, do you know the group
20 Al-Haramain?

21 MR. BEETAR: Haramain.

22 THE WITNESS: No, I do not
23 know.

24 BY MR. POUNIAN:

1 will discuss that with you.

2 But I want to know first,
3 when did you know in advance when they
4 were going to be coming to the mosque?
5 How far in advance did you know?

6 A. Usually we don't know these
7 things. Sometimes Ramadan would start
8 and nobody would show up, sometimes they
9 would come in the middle of Ramadan,
10 sometimes before Ramadan. I don't know.

11 And I don't know who he's
12 talking about.

13 Q. Well, do you recall --
14 strike the question.

15 I'm talking about Adel Al
16 Sadhan and Mutaeb Al-Sudairy, those two
17 gentlemen.

18 Do you remember them?

19 A. (In English) Yes.

20 Q. And they came for Ramadan
21 1419?

22 A. I don't remember the dates
23 exactly. But they came in Ramadan. They
24 did the Taraweeh prayer.

1 Q. And you found a place for
2 them to stay with Dr. Abdussattar Shaikh;
3 am I correct?

4 MR. SHEN: Objection to
5 form. States facts not in
6 evidence.

7 THE WITNESS: No, that's
8 incorrect.

9 MR. POUNIAN: Can we go on
10 the FBI record, please?

11 - - -

12 (FBI Protected Material.)

13 - - -

14 VIDEO TECHNICIAN: One
15 moment.

16 Okay. They are all in.

17 MR. POUNIAN: Put up
18 Exhibit-492, please.

19 BY MR. POUNIAN:

20 Q. This is the interview
21 statement of Dr. Abdussattar Shaikh that
22 was taken in September of 2001.

23 MR. POUNIAN: If we could
24 turn to the fifth page of this

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1 PDF, please, 7339.

2 MR. SHEN: Mischaracterizes
3 the document.

4 MR. POUNIAN: If we could
5 highlight the paragraph just below
6 the redaction, the whole
7 paragraph.

8 MR. SHEN: Can you give me
9 the Bates number of the first
10 page, please?

11 MR. POUNIAN: It's 7336.

12 BY MR. POUNIAN:

13 Q. Sir, this states that, Omar
14 al-Bayoumi introduced Shaikh to Mutaeb
15 Al-Sudairy and Adel Al Sadhan, two
16 scholars visiting from Saudi Arabia.

17 That's what the interview
18 report of the FBI's interview with Dr.
19 Shaikh says.

20 Is that a true statement,
21 sir?

22 A. No, it's incorrect.

23 Q. It states that, They did not
24 seem to know al-Bayoumi very well.

1 Al-Bayoumi was looking for somewhere for
2 the two visitors to stay.

3 Is that true, sir?

4 A. How do I not know them well
5 and how am I looking for a residence for
6 them?

7 Q. My question sir, is, is that
8 a correct statement? Were you looking
9 for a place for them to stay?

10 A. No, that's incorrect.

11 Q. Did they stay with Dr.
12 Shaikh?

13 A. I don't know.

14 Q. Did you know Dr. Shaikh?

15 A. From the Islamic Center.

16 Q. And you had him over for
17 dinner at your house, didn't you, sir?

18 A. Yes.

19 Q. And you went on a trip with
20 him to the King Fahad Mosque, along with
21 your son, didn't you, sir?

22 A. With my son, yes. But with
23 Dr. Shaikh, no, I don't remember.

24 Q. Where did Sadhan and Sudairy

1 stay when they were in San Diego?

2 A. I don't remember. I don't
3 remember.

4 Q. So they could have stayed at
5 Dr. Shaikh's house; is that right?

6 MR. SHEN: Calls for
7 speculation.

8 THE WITNESS: I don't
9 remember.

10 BY MR. POUNIAN:

11 Q. Where did -- where were you
12 when you first saw Sadhan and Sudairy?

13 A. I don't remember.

14 Q. Did you meet them at the
15 mosque or somewhere else?

16 A. (In English) I don't
17 remember.

18 MR. POUNIAN: I don't know
19 who that was.

20 THE WITNESS: I don't
21 remember.

22 BY MR. POUNIAN:

23 Q. Did you know that they had
24 first gone to Los Angeles and met and had

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD) (SN)

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7

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9 - - -

10 JUNE 10, 2021

11 VOLUME II

12 THIS TRANSCRIPT CONTAINS
13 CONFIDENTIAL MATERIAL

14 - - -

15

16 Continued Remote Videotaped
17 Deposition, taken via Zoom, of OMAR
18 AL-BAYOUMI, commencing at 7:07 a.m., on
19 the above date, before Amanda
20 Maslynsky-Miller, Certified Realtime
21 Reporter and Notary Public in and for the
22 Commonwealth of Pennsylvania.

23

24 - - -

25 GOLKOW LITIGATION SERVICES
26 877.370.3377 ph | 917.591.5672 fax
27 deps@golkow.com

28

29

1 placeholder. So the file is
2 uploaded.

3 MR. POUNIAN: All right.
4 Thank you.

5 MR. SHEN: Thank you.

6 MR. POUNIAN: So are we
7 ready?

8 If I could just point the
9 witness, please, to Lines 20 and
10 21 of this document.

11 BY MR. POUNIAN:

12 Q. Sir, on the 18th of
13 November, 1998, there were two phone
14 calls from the -- from the office -- your
15 office at the Al-Madina Mosque to the
16 Saudi Consulate at 1:45 for 22 minutes
17 and 2:12 for 4 minutes.

18 Who would you be calling at
19 the Saudi Consulate on that day and at
20 those times?

21 MR. SHEN: Objection to the
22 form. Assumes facts not in
23 evidence.

24 THE WITNESS: I don't

1 remember.

2 BY MR. POUNIAN:

3 Q. Who at the consulate did you
4 know at that time?

5 A. I do not know anyone at the
6 consulate. I would call the reception
7 and ask to speak to a designated person.

8 But there is a clarification
9 here, if you allow me.

10 Q. Please. Go ahead.

11 A. So the phone in the masjid
12 was open for all to make phone calls.
13 There is one telephone in my office, and
14 there is another telephone in the other
15 office, and that was open for anyone to
16 call, at any time, anyone.

17 My presence would be once a
18 week, once every other week or once a
19 month. Otherwise, the telephone is open
20 for everyone.

21 Q. Who else at the -- at that
22 mosque would be calling the Saudi Arabia
23 Consulate for 22 minutes and 4 minutes?

24 MR. SHEN: Objection. Calls

1 for speculation. Objection.

2 Foundation.

3 THE WITNESS: I don't know.

4 But our students, Saudi students,
5 would call the embassy, would call
6 the consulate. Who exactly
7 called, I do not know.

8 BY MR. POUNIAN:

9 Q. What Saudi students?

10 A. Many Saudi students that
11 would come and pray at the masjid, maybe
12 they called. I don't really know
13 exactly.

14 Q. Can you give us the names of
15 any of those students?

16 A. I don't know. Many people
17 come and pray.

18 Q. Sir, you said -- is there
19 anyone at the consulate who you knew?

20 A. No.

21 MR. POUNIAN: Can we mark as
22 the next exhibit FBI 4286, please?

23 - - -

24 (Whereupon, Exhibit

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1 al-Bayoumi-696, FBI 4286, was
2 marked for identification.)

3 - - -

4 MR. KRY: Steve, did you
5 want to leave that prior document
6 in the exhibit share? If -- it's
7 available to the entire counsel
8 team. We have a copy.

9 MR. POUNIAN: We can't leave
10 it in the share. We just put it
11 in there to send to Mr. Shen and
12 Mr. Kry.

13 MR. KRY: Right. I
14 understand. So do you want to
15 tell the tech to take it out now?

16 MR. SHEN: We have a copy,
17 too. We don't need it anymore.

18 MR. POUNIAN: So you can
19 take it out, yes, please. And if
20 we can put up FBI 4286 as the next
21 exhibit, please. Which will be
22 696.

23 If we can just highlight the
24 left side here.

1 BY MR. POUNIAN:

2 Q. Sir, is this your
3 handwriting?

4 A. (In English) Some of them,
5 no; but some of them, yes.

6 Q. Which is your handwriting,
7 which isn't?

8 A. (In English) This one is not
9 my handwriting.

10 Q. When you say "this one," can
11 you read it out to us, whatever it is?

12 A. ASK M-E -- I think X or R --
13 ILL.com. This is not my handwriting.
14 This one also, this one is not my
15 handwriting. This one here.

16 Q. Which one is that?

17 A. (In English) This one.

18 Do you see my pointer here?

19 Q. No, we can't see your
20 pointer, just --

21 A. (In English) Oh, okay. In
22 the middle.

23 (Through Interpreter) so the
24 one in the middle saying --

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1 INTERPRETER MIKHAIL: The
2 interpreter clarifies -- it's
3 below -- yes, it's what's being
4 highlighted right now.

5 BY MR. POUNIAN:

6 Q. That's not your handwriting?

7 A. (In English) no.

8 Q. But other than the ask
9 Merrill and what we just highlighted,
10 everything else is your handwriting; is
11 that right?

12 A. (In English) yes.

13 Q. Now, the phone number here,
14 310-479-6000, is the phone number for the
15 Saudi Consulate in Los Angeles.

16 Did you know that?

17 MR. SHEN: Objection.

18 THE WITNESS: So that is,
19 perhaps, the consulate number.
20 Perhaps I made a phone call and I
21 inquired. And they informed me,
22 this person or that person would
23 be the person to speak with.

24 BY MR. POUNIAN:

1 Q. And what person was that?

2 A. Perhaps this is regarding to
3 the books, the Quran books.

4 Q. What name was given to you?

5 A. The two names that are here.

6 Q. And what are the names?

7 A. Saad Al Shabreen, Ismail
8 Mana.

9 Q. And do you know Saad Al
10 Shabreen?

11 A. No.

12 Q. But you wrote his name down
13 on this sheet of paper; is that right?

14 A. Yes.

15 Q. And Ismail Mana, do you know
16 Ismail Mana?

17 A. No.

18 Q. But you wrote his name down
19 on this sheet of paper, right?

20 A. Yes. So this point, there
21 was a call. I called the embassy to
22 inquire about the Quran books, and then
23 they informed me the person -- the
24 designated personnel for this matter

1 would be either Saad Al Shabreen or
2 Ismail Mana.

3 Q. And when did you make that
4 call?

5 A. (In English) I don't know.
6 (Through Interpreter) I
7 don't know.

8 Q. Was it in connection with
9 the opening of the Al-Madina Mosque?

10 A. Not with the opening. But
11 it is in connection with the Masjid
12 Al-Madina, yes.

13 Q. And did you get materials
14 from the consulate for the mosque?

15 A. Yes.

16 Q. And what type of materials
17 did you get?

18 A. (In English) Quran.
19 (Through Interpreter) Quran.

20 MR. POUNIAN: If we could
21 mark, please, as the next exhibit
22 FBI 4139.

23 - - -

24 (Whereupon, Exhibit

1 al-Bayoumi-697, FBI 4139-4145, was
2 marked for identification.)

3 - - -

4 BY MR. POUNIAN:

5 Q. Sir, is this one of the
6 materials you got from the consulate or
7 the embassy?

8 MR. SHEN: Objection. Is
9 this a single document, a one-page
10 document?

11 MR. POUNIAN: No, it's not.
12 It's in the record. It's
13 Exhibit-4139 to 45, FBI.

14 MR. SHEN: If you're going
15 to ask the witness questions about
16 it, can you show him the document,
17 the full document?

18 MR. POUNIAN: Sorry, what?

19 MR. SHEN: If you're going
20 to ask the witness about it, you
21 have to show him the full
22 document, not whatever excerpt you
23 want to show him.

24 MR. POUNIAN: I'm just --

1 could we just highlight the lower
2 left corner there, where it's
3 from?

4 BY MR. POUNIAN:

5 Q. Sir, do you recall getting
6 materials from the Kingdom of Saudi
7 Arabia?

8 MR. SHEN: There's a request
9 to show the witness the actual
10 document. Are you not going to
11 show him the document?

12 MR. POUNIAN: I can show him
13 the document, but I just -- I want
14 to ask the questions my way, Mr.
15 Shen, if I could.

16 MR. SHEN: All right.
17 Objection to asking questions
18 without showing the witness the
19 document.

20 What exhibit is this?

21 COURT REPORTER: It's 697.

22 MR. POUNIAN: 697. Thank
23 you.

24 THE WITNESS: No.

1 But there's a background
2 that I would like to clarify.

3 BY MR. POUNIAN:

4 Q. Sir, the reason I'm asking
5 you these questions is because this was
6 found in your office when the FBI raided
7 the office and it seized this. This is
8 one of the documents.

9 MR. SHEN: Objection.

10 BY MR. POUNIAN:

11 Q. I'm asking if you --

12 MR. SHEN: Steve, he wasn't
13 done with his answer, and you
14 interrupted him. He wants to
15 clarify.

16 MR. POUNIAN: He asked me if
17 he wanted to clarify something,
18 and I just wanted to ask a
19 question.

20 MR. SHEN: No, he didn't.
21 If you read the transcript, he
22 said he would like to clarify.

23 Please, go ahead, Mr.
24 Bayoumi, clarify your answer.

1 THE WITNESS: This was my
2 clarification. There are some
3 documents that would get posted on
4 a message board in the mosque.
5 Anybody can come and post whatever
6 document or whatever paper that
7 they put, and then at the masjid
8 we don't necessarily allow that.

9 So if there's something that
10 does not align with us, I will
11 take it off and I will keep it in
12 a file for it to be destroyed
13 later on. I do not keep it on the
14 wall for the public. I do not
15 keep it on the wall, anything that
16 pertains to violence, theft, guns.
17 We do not support. In that case I
18 would take it off the board, I
19 would keep it in a file for the
20 purpose of destroying it later on.

21 This is one of many
22 documents that we had and this was
23 not a document that came from the
24 embassy. The sole stuff that came

1 from the embassy was the Quran,
2 religion books that pertained to
3 doctrine. But none of this came
4 from the embassy.

5 BY MR. POUNIAN:

6 Q. Where did this come from?

7 A. I do not know.

8 (In English) Let me say
9 something again. Me -- and, honestly, I
10 have to -- the Imam at the masjid --

11 (Through Interpreter) So
12 even the Imam of the masjid, the Kurdish
13 one, he would not accept any of that.
14 Anything that gets posted on the board
15 that we don't approve of, instantly we
16 remove it and we keep it in a file to be
17 destroyed later on, or we destroy it
18 right there and then.

19 Q. This was found in your
20 office, so it wasn't destroyed. It was
21 in your office at the mosque.

22 And can you explain to us
23 where it came from?

24 MR. SHEN: Objection.

1 Mischaracterization.

2 THE WITNESS: So this is not
3 a paper, just a post. This was a
4 post that was probably posted on
5 the board. And it's not the only
6 one, we have tens of them.

7 We take them off and then we
8 put them in a file for them to be
9 destroyed later on. Perhaps it
10 was not destroyed yet.

11 But it's just a message
12 from -- a post from the message
13 board.

14 MR. POUNIAN: Can we put
15 back in front of the witness
16 Exhibit-695, please?

17 BY MR. POUNIAN:

18 Q. We highlighted two calls on
19 Lines 20 and 21.

20 Do you recall, sir, we
21 talked about those two calls?

22 MR. POUNIAN: I want to turn
23 to the next page.

24 BY MR. POUNIAN:

1 Q. Well, you told us you left
2 the mosque in the year 2000.

3 You didn't leave San Diego
4 in the year 2000, did you?

5 MR. SHEN: Objection to
6 form.

7 THE WITNESS: When I went to
8 study in England, I left the
9 masjid.

10 BY MR. POUNIAN:

11 Q. And when was that?

12 A. I don't remember exactly
13 when.

14 Q. You said, sir, that there
15 were -- there was another visit to the
16 Al-Madina Mosque by propagators.

17 Who were those propagators?

18 A. I don't remember the names.

19 Q. Since you left the mosque in
20 the year 2000, was it the Ramadan
21 immediately preceding the time that you
22 left the mosque?

23 MR. SHEN: Objection.

24 What's the question?

1 THE WITNESS: I don't
2 remember.

3 BY MR. POUNIAN:

4 Q. Do you recall meeting a man
5 named Abdullah Al Jaithen?

6 A. Jaithen? No.

7 Q. Do you remember meeting a
8 man named Majed Al Mersal?

9 A. Majed Al Mersal, yes.

10 So the first name -- the
11 first name is Al -- Al Jaithen. Majed
12 Al Mersal.

13 Clarifying the names, the
14 first one was Al Jaithen, the second one
15 was Majed Al Mersal.

16 Majed Al Mersal, yes.
17 Al Jaithen, correct.

18 Q. So you remember meeting
19 Mr. Al Jaithen?

20 MR. SHEN: Objection to the
21 form.

22 THE WITNESS: No.

23 BY MR. POUNIAN:

24 Q. Do you remember there being

1 two propagators?

2 A. Yes.

3 Q. And you remember Mr.
4 Mersal's name, but you don't remember the
5 name of the other propagator; is that
6 right?

7 A. So in the translation, it
8 was Salem. It's not Salem, it's
9 Al Jaithen.

10 Q. What translation?

11 A. So speaking to the
12 interpreter, you said -- when you first
13 interpreted it, you said the name was
14 Salem. So no, it's Mersal and
15 Al Jaithen.

16 Q. Did you have communications
17 with the Ministry of Islamic Affairs
18 regarding the visit of these two
19 propagators to the Al-Madina Mosque?

20 A. No.

21 Q. Who arranged the trip of
22 these two propagators to the Al-Madina
23 Mosque?

24 A. I don't know.

1 Q. And do you remember sharing
2 a meal with them?

3 A. No, I don't remember.

4 Q. Do you remember what they
5 did at the mosque?

6 A. What they did at the mosque?

7 Q. Yes.

8 A. Leading the Taraweeh prayer.

9 Q. Did they deliver a khutbah?

10 A. Jaithen gave a lecture -- a
11 lecture, yes.

12 Q. Abdullah Al Jaithen?

13 A. Yes.

14 Q. I thought you just told us
15 before you didn't remember his name, sir,
16 and now you remember him giving a
17 lecture.

18 MR. SHEN: Objection. There
19 was a significant translation
20 issue.

21 Go ahead. You can answer
22 the question.

23 THE WITNESS: So we
24 mentioned his name ten times by

1 now. At the beginning there was
2 an error in the translation. The
3 name was mentioned Salem. And we
4 corrected it, it's not Salem, it's
5 Al Jaithen.

6 And then we repeat it a few
7 times.

8 So, yes, it is correct.

9 BY MR. POUNIAN:

10 Q. It's correct that you
11 remember Abdullah Al Jaithen giving a
12 lecture?

13 A. Yes.

14 Q. What was the lecture about?

15 A. (In English) I don't
16 remember.

17 (Through Interpreter) I
18 don't remember.

19 Q. Did you arrange a place to
20 stay for either Majed Mersal or Abdullah
21 Al Jaithen?

22 A. No. The answer is no.

23 Q. Did you travel anywhere with
24 Abdullah Al Jaithen or Majed Al Mersal

1 while they were visiting?

2 A. I don't remember.

3 MR. POUNIAN: Can we show
4 the witness, please -- are we on
5 the FBI record? Exhibit-576.

6 We still are, right?

7 VIDEO TECHNICIAN: We're
8 going to go on -- the FBI
9 documents now.

10 MS. PRITSKER: Counsel for
11 Dubai Islamic Bank just notes that
12 it's being excluded from the
13 deposition now. Thank you.

14 VIDEO TECHNICIAN: Stand by.

15 MR. POUNIAN: This is FBI
16 4012 --

17 VIDEO TECHNICIAN: Hold on.
18 We're still waiting for one
19 person.

20 MR. SHEN: Steve, what
21 document are you using? Did you
22 say 571 or --

23 MR. POUNIAN: 576. It's FBI
24 4012.

1 to stay in any hotels in the Culver City
2 area?

3 A. With my family?

4 Q. Yourself. At any time.

5 MR. SHEN: Clarify, Steve.
6 Do you mean only by himself?

7 MR. POUNIAN: I'm just
8 saying, did he ever -- I'm asking
9 if he ever had any occasion
10 himself to stay at hotels in the
11 Culver City area.

12 That's the question.

13 BY MR. POUNIAN:

14 Q. Can you answer that
15 question?

16 MR. SHEN: Just to clarify,
17 by himself or with anyone else or
18 both?

19 MR. POUNIAN: I just asked
20 if he did. I think it's pretty
21 clear on its own.

22 MR. SHEN: I don't know what
23 you're asking. But okay.

24 THE WITNESS: No.

1 BY MR. POUNIAN:

2 Q. Sir, this hotel receipt has
3 your name on it.

4 Did you stay at the
5 Travelodge Hotel?

6 A. Stayed in a hotel, no.

7 Q. Did you make a reservation
8 at the hotel?

9 A. (In English) It's possible.
10 (Through Interpreter) It's
11 possible.

12 Q. And what's possible?

13 A. It's possible when a guest
14 arrives and they need a stay at the
15 hotel, we can make a reservation for the
16 hotel.

17 MR. BEETAR: And, also, he
18 said, if he does not know English.

19 INTERPRETER MIKHAIL: If he
20 does not know English.

21 BY MR. POUNIAN:

22 Q. And did you go to the
23 Travelodge Hotel with Abdullah
24 Al Jaithen?

1 A. I don't remember.

2 MR. POUNIAN: If we could
3 mark FBI 2802, please, as the next
4 exhibit.

5 - - -

6 (Whereupon, Exhibit
7 al-Bayoumi-699, FBI 2802-2815, was
8 marked for identification.)

9 - - -

10 BY MR. POUNIAN:

11 Q. Sir, did you have an account
12 at Bank of America in San Diego?

13 A. (In English) Yes.

14 (Through Interpreter) Yes.

15 Q. And is this a -- is this a
16 copy of your bank account -- a bank
17 account record from that account?

18 A. Yes -- I do not know.

19 Q. Well, can you recognize your
20 name there and your account number?

21 MR. SHEN: Objection.

22 THE WITNESS: The account
23 number? I don't know the account
24 number. But I do recognize my

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1 name, Omar al-Bayoumi. But the
2 account number, I don't.

3 MR. POUNIAN: If we could go
4 to the third page of this
5 document, please, Page 2804. And
6 if we could highlight the
7 transaction that's posted on
8 December 22nd. Just highlight
9 that, please.

10 And can we expand that? Not
11 the next one. Yes, those two is
12 fine. Can we expand both of those
13 two? The one below also.

14 Thank you.

15 BY MR. POUNIAN:

16 Q. Sir, this shows that you
17 used your Bank of America card to
18 purchase gas in Culver City, California,
19 on December 20th, 1999.

20 Do you see that, sir?

21 A. (In English) Yes.

22 Q. And that particular gas
23 station is located directly across from
24 the Travelodge where we just showed you

1 BY MR. POUNIAN:

2 Q. Who did you stay with at the
3 Half Moon Hotel on January 9th, 2000?

4 A. With me? With my family.

5 Q. And you remember that, sir?

6 A. (In English) No.

7 (Through Interpreter) No.

8 But I do know that I travel with my
9 family. I do not travel with anyone
10 else.

11 Q. And your family is five,
12 right?

13 A. (In English) Yes, but
14 sometimes --

15 (Through Interpreter) Yeah,
16 but it happens sometimes that perhaps my
17 wife wouldn't go with us.

18 (In English) Sometimes other
19 kids --

20 (Through Interpreter)
21 Sometimes I take my children for some
22 amusement park entertainment.

23 Q. Do you remember doing that
24 on this occasion, sir?

1 A. I don't remember. But I've
2 done it on many occasions.

3 Q. On how many occasions, sir?

4 A. I don't remember.

5 Q. Well, can you tell us about
6 one other time you went to Los Angeles
7 for a trip like this?

8 A. Los Angeles was close to us.
9 We could just take a ride there and come
10 back. I wouldn't remember how many times
11 we went.

12 Q. Do you know a man named --
13 strike the question.

14 I asked you earlier about
15 visits you had made to the Los Angeles
16 Consulate.

17 Did you go to the Los
18 Angeles Consulate to register your
19 passport?

20 A. To renew my passport.

21 Q. Did you ever go there to
22 register your passport?

23 A. I don't recall.

24 Q. And you said you went to the

1 consulate to renew your passport?

2 A. Yes.

3 Q. And did you go by yourself?

4 A. No.

5 Q. Who did you go with?

6 A. With another person.

7 Q. And who was that?

8 A. Osama.

9 (In English) An American
10 person.

11 (Through Interpreter) An
12 American person.

13 Q. Did he have a last name?

14 A. I don't remember. He was
15 Osama.

16 Q. And how did you know Osama?

17 A. (In English) From the
18 mosque.

19 (Through Interpreter) From
20 the mosque.

21 Q. Which mosque? The Al-Madina
22 Mosque?

23 A. No. The Islamic Center.

24 Q. How did you know Osama from

1 the Islamic Center?

2 A. From after the prayers.

3 Q. What do you mean by that?

4 A. I mean that after prayers we
5 got to meet one another.

6 Q. And when was that?

7 A. I don't know.

8 Q. Well, how long before you
9 went to the consulate did you meet Osama?

10 A. I don't remember. But a
11 short period of time, perhaps a month or
12 two.

13 Q. And what was your
14 relationship with Osama?

15 A. In the past or now?

16 Q. At the time you met him.

17 A. I didn't know him -- I
18 didn't know him. But we met,
19 Salaam-Alaikum, Alaikum-Salaam; peace be
20 on you, peace be on you.

21 Q. And how old was he when you
22 met him?

23 A. He was in his 20s. He was
24 in his 20s.

1 Angeles?

2 A. Yes.

3 Q. And where was that place?

4 A. I don't know.

5 Q. What town was it in?

6 A. Los Angeles.

7 Q. And how far was it from the
8 consulate?

9 A. I don't remember. But it
10 wasn't far away.

11 Q. And was it a photography
12 studio or some other type of store?

13 A. Yes.

14 Q. And what type of store was
15 it?

16 A. Passport photography studio.

17 Q. So it was specifically for
18 passport photos?

19 A. I don't know. But I went
20 there to have photos taken for the
21 passport.

22 Q. And did a person take your
23 photo?

24 A. Yes.

1 Q. And how many photos did they
2 make?

3 A. I really don't remember.

4 Q. Well, did they make four
5 photos or three or two or just one?

6 A. Four. Four pictures.

7 Q. And where did you go from
8 the photography studio?

9 A. To the embassy, to the
10 consulate.

11 Q. And what time did you arrive
12 at the consulate?

13 A. I believe it was noon time.

14 Q. And by "noon time," you mean
15 12:00 noon?

16 A. Approximately. Because we
17 performed the prayers at the consulate.

18 Q. What prayer?

19 A. The noon and afternoon
20 prayers. We could combine them because
21 we were traveling.

22 Q. And where at the consulate
23 did you perform prayers?

24 A. At the prayer space.

1 Q. And where was that located
2 at the consulate?

3 A. I don't know.

4 Q. Was there a small mosque at
5 the consulate?

6 A. No, just a room.

7 Q. There's a room where prayers
8 are held at the consulate?

9 A. Yes.

10 Q. And that's where you and
11 Osama performed the prayers, according to
12 --

13 A. Yes.

14 Q. And how many people were
15 praying?

16 A. He and I. He and I. He
17 made the announcement for the prayers,
18 and I led the prayer.

19 Q. And was anyone else praying?

20 A. No, no one else.

21 Q. And this was in the prayer
22 room at the consulate?

23 A. Yes.

24 Q. And did you take the

1 elevator to get there?

2 A. No.

3 Q. Where did you park your car
4 when you went to the consulate?

5 A. At the basement in the
6 consulate.

7 Q. And where did you enter the
8 consulate?

9 A. From the roadway. I don't
10 know exactly, but from the road.

11 Q. Did you enter from the
12 parking area into the consulate?

13 A. No.

14 Q. What did you do?

15 A. Before I went to the
16 consulate, I made a call. I spoke to the
17 operations about my intent to go to the
18 consulate to renew the passports and pick
19 up Quran books.

20 And then they said you must
21 come through -- they gave us directions,
22 as to how to come in.

23 Q. Who did you talk to?

24 A. The operator.

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1 INTERPRETER ABDEL-RAHMAN:

2 The witness said the operation.

3 The interpreter believes it's the
4 operator.

5 BY MR. POUNIAN:

6 Q. Where were you when you made
7 the call?

8 A. In the car.

9 Q. And where was the car when
10 you made the call?

11 A. It was after the studio, on
12 the way to the consulate.

13 Q. You were driving when you
14 made the call?

15 A. No, I believe I -- I believe
16 I pulled over and spoke to them; or Osama
17 was talking to them, because Osama was
18 the one who was more familiar with the
19 roads.

20 Q. Well, what is it that you
21 remember, sir? Who made the call?

22 A. I dialed the number. I
23 dialed the number.

24 Q. And then what happened?

1 A. And I had called before that
2 and told them about my intent to come to
3 pick up Quran books and where to park.
4 They said, once you arrive, we will let
5 you know where to park.

6 Q. When had you called before?

7 A. I don't remember.

8 Q. Was it the same day or a
9 different day?

10 A. Possibly a few days before I
11 may have called once, twice or three
12 times, in order for them to prepare the
13 books.

14 Q. Prepare what books?

15 A. The Quran books.

16 INTERPRETER ABDEL-RAHMAN:

17 And the interpreter wishes to
18 introduce a new word which means a
19 book containing the Quran. It's
20 mushaff. It's spelled
21 M-U-S-H-A-F-F. That means a book
22 containing the Quran.

23 BY MR. POUNIAN:

24 Q. So when you dialed -- when

1 you dialed the number of the consulate,
2 were you parked to go to the consulate or
3 were you somewhere between the
4 photography studio and the consulate?

5 A. I don't remember. But I
6 believe that immediately after we were
7 done with the photographs, I made the
8 call.

9 Q. And what did you find out in
10 that call?

11 A. Nothing, just where to park
12 the car and come in.

13 Q. And tell us what the
14 conversation was in that call.

15 A. It was a normal
16 conversation, just Salaam-Alaikum, may
17 peace be upon you. We are from Al-Madina
18 Mosque, I'd like to come and pick up the
19 mushaffs which I called about before.
20 They said the mushaffs were ready. I
21 also said that I had an appointment to
22 renew the passports. They said, okay,
23 come in.

24 Q. Is that it?

1 A. I also told them that I had
2 someone with me, an American person, to
3 help me carry the mushaffs and so forth.

4 Q. Is that the -- is that it?

5 A. Yes.

6 Q. And then what happened?

7 A. We went in.

8 Q. You parked in the
9 underground parking?

10 A. Yes.

11 Q. And you went into the
12 consulate?

13 A. Yes.

14 Q. And what happened?

15 A. We went to the reception,
16 Osama and I.

17 Q. And what happened?

18 A. They said, have a seat,
19 please. And we sat.

20 Q. And then what happened?

21 A. Then she called me by name,
22 she said, Omar, come in.

23 Q. Was that the receptionist or
24 someone else?

1 A. Yes, the receptionist.

2 Q. And what happened?

3 A. She told me to fill out some
4 forms and to place the photos on them.

5 Q. Who told you to fill out
6 forms?

7 A. The lady. Yes.

8 Q. The receptionist or someone
9 else?

10 A. (In English) Yes.

11 Q. I'm sorry, the receptionist
12 or someone else, another person?

13 A. A female receptionist.

14 Q. And this was while you were
15 sitting in the reception area?

16 A. Yes.

17 Q. And you were with Mr. --
18 with Osama while you were filling out
19 these forms?

20 A. Yes.

21 Q. And you filled out the
22 forms.

23 And then what happened?

24 A. I filled out the forms.

1 When we were done with that, then we went
2 to the prayers. Then we picked up the
3 mushaffs and left.

4 Q. And when you went to the
5 prayers, where did you go to the prayers
6 from the reception area?

7 A. It's close to it, in a room,
8 a prayer room.

9 Q. And how far away was it from
10 the reception room?

11 A. It was not far. I don't
12 remember exactly, but not far.

13 Q. Did someone show you where
14 that room was?

15 A. Yes.

16 Q. And who was that?

17 A. (In English) A person,
18 just --

19 (Through Interpreter) A
20 person from the Islamic Affairs.

21 Q. And who was that person?

22 A. I didn't know him.

23 Q. It was a man?

24 A. Yes.

1 Q. Can you describe him?

2 A. He was a non-Saudi.

3 Q. And what did he look like?

4 A. Medium sized. He had a
5 beard.

6 Q. And why did he direct you to
7 the prayer room?

8 A. To pray.

9 Q. And how did that happen,
10 that he directed you there?

11 A. I asked the receptionist
12 about where to perform the prayers. And
13 she said, that brother standing there
14 will escort you to the prayer room.

15 Q. And who was the brother
16 standing there?

17 A. That's the person. That's a
18 person who led us to the prayer room.

19 Q. And that's the person you
20 said is from Islamic Affairs?

21 A. Yes. He introduced himself
22 to us. He said -- and he said that he
23 was the one who was going to give us the
24 mushaffs.

1 Q. And he was standing in the
2 reception area when you asked about
3 prayers?

4 A. Yes, he was nearby.

5 Q. When you say "nearby," what
6 do you mean?

7 A. In the same location, and it
8 was a big place.

9 Q. He just happened to be in
10 that room that you and Osama were sitting
11 in; is that right?

12 INTERPRETER MIKHAIL: Asking
13 for repetition. Interpreter will
14 repeat.

15 THE WITNESS: Yes.

16 BY MR. POUNIAN:

17 Q. And did he pray with you in
18 the prayer room?

19 A. No.

20 Q. Did he stay with you in the
21 prayer room?

22 A. No.

23 Q. About how long were you in
24 the prayer room?

1 INTERPRETER MIKHAIL:

2 Technical issue again. Perhaps
3 the witness is frozen.

4 VIDEO TECHNICIAN: We're
5 going to go off the record, 10:47
6 a.m.

7 - - -

8 (Whereupon, a brief recess
9 was taken.)

10 - - -

11 VIDEO TECHNICIAN: We're
12 back on the record at 10:52 a.m.

13 BY MR. POUNIAN:

14 Q. My question was, how long
15 were you in the prayer room?

16 A. The prayer room? About ten
17 minutes.

18 Q. And where did you go from
19 the prayer room?

20 A. Back to the reception.

21 Q. Did someone accompany you?

22 A. Osama.

23 Q. Did someone accompany you
24 and Osama back to the reception?

1 A. No. We finished the prayer,
2 and we went back.

3 Q. And was anyone else in the
4 prayer room when you were there?

5 A. No.

6 Q. What happened next?

7 A. So at the reception, they
8 said the passports will be ready
9 overnight. And other than that, the
10 mushaff books were ready -- the mushaff
11 books were ready, waiting for delivery --
12 waiting to be received.

13 (In English) To be picked
14 up.

15 Q. What happened next?

16 A. We took the mushaff books
17 and we left.

18 Q. And where were the books?

19 A. We put them in the car.

20 Q. And where did you get the
21 books from?

22 A. From the consulate.

23 Q. And where in the consulate
24 did you get the books?

1 A. No, I do not know. We went
2 back to the car, they brought the books
3 and put them in the car.

4 Q. How did you get to the car?

5 A. (In English) Walking.

6 (Through Interpreter)

7 Walked.

8 Q. So you walked out the door
9 into the parking area and to your car?

10 A. Yes.

11 Q. And who gave you the books?

12 A. The consulate.

13 Q. Who at the consulate?

14 A. The same person who led us
15 to the prayer room.

16 Q. And when did that person
17 give you the books?

18 A. When? Correct, when?

19 After we finished the
20 prayer.

21 Q. And where did they -- where
22 did they give you the books?

23 A. They loaded them in the car.

24 Q. Who loaded them in the car?

1 A. That person, and another
2 person who helped. Osama was the one
3 helping them.

4 Q. So the man from Islamic
5 Affairs and Osama loaded the books in the
6 car?

7 A. Yes.

8 Q. And was there anyone else
9 helping to load the books into the car?

10 A. Yes. There was a worker
11 helping.

12 Q. Was the receptionist the
13 only woman that you met at the consulate?

14 A. Yes.

15 Q. And did you meet any men at
16 the consulate, other than the Islamic
17 Affairs man that you described?

18 A. No.

19 Q. So am I correct the only two
20 people you met at the consulate were the
21 receptionist at the front, at the
22 entrance where you came in, and the
23 Islamic Affairs person?

24 MR. SHEN: Objection to

1 form.

2 You can answer.

3 INTERPRETER MIKHAIL: The
4 interpreter will repeat the
5 question.

6 THE WITNESS: And the
7 worker.

8 BY MR. POUNIAN:

9 Q. So the three people you met
10 were the receptionist at the place where
11 you entered the consulate, the Islamic
12 Affairs man, and the worker who helped
13 load books in the car?

14 A. Yes.

15 Q. How many books were there?

16 A. I don't remember.

17 Q. What happened next?

18 A. We went back to San Diego.

19 But before that -- so we
20 went back. But on the road after we left
21 the embassy, we were hungry and we wanted
22 to get something to eat. So we went and
23 ate.

24 Q. And where did you go?

1 A. A restaurant.

2 Q. And what restaurant?

3 A. I don't know. It was a
4 restaurant that served halal meat.

5 Q. And was it a place you had
6 been to before?

7 A. No.

8 Q. How did you know to go
9 there?

10 A. We saw it on the way.

11 Q. You saw it on the way.
12 When did you see it on the
13 way?

14 A. When we were going to San
15 Diego.

16 Q. So you're saying you left
17 the consulate and on the way back to San
18 Diego you saw a restaurant?

19 A. Yes.

20 Q. And where was the restaurant
21 that you saw?

22 A. I do not know. I do not
23 remember.

24 Q. Do you know what town it was

1 in?

2 A. It was Los Angeles.

3 Q. And what happened then?

4 A. After we ate in the
5 restaurant, we went back to San Diego.

6 Q. Did you have your -- you had
7 your cell phone with you on this trip; am
8 I correct?

9 A. Yes.

10 Q. And when we discussed
11 earlier you making a call to the
12 consulate, that was on your cell phone;
13 is that right?

14 A. Yes.

15 Q. And you called other places
16 other than the consulate that day on your
17 telephone?

18 A. I don't remember.

19 Q. What type of food was at the
20 restaurant that you stopped at?

21 A. Halal meat.

22 Q. And how did you know from
23 the outside of the restaurant that it had
24 halal meat?

1 A. So they had the meat
2 suspended.

3 INTERPRETER ABDEL-RAHMAN:
4 Hanging.

5 INTERPRETER MIKHAIL:
6 Hanging.

7 BY MR. POUNIAN:

8 Q. And you noticed that as you
9 were driving by?

10 A. Yes. We saw it, me and
11 Osama.

12 Q. And what is it -- can you
13 just tell us, what is it that you saw
14 that made you stop at that particular
15 restaurant?

16 A. We were looking for another
17 restaurant that me and my family had
18 eaten at before, but it was closed, I
19 believe. And this one was next to it.

20 Q. Sir, can you tell us, what
21 is it that you saw that made you stop at
22 that particular restaurant?

23 A. So the way they had the meat
24 hanging. And also the barbecue, they had

1 a barbecue.

2 Q. And you were driving by and
3 you saw that?

4 A. Yes.

5 Q. And you decided to stop at
6 that place?

7 A. Yes.

8 Q. And where did you park?

9 A. In front of the restaurant.

10 Q. And then what happened?

11 A. We went inside the
12 restaurant and we ate.

13 Q. What time was it?

14 A. (In English) I don't know.

15 (Through Interpreter) I
16 don't know.

17 Q. Can you tell us
18 approximately what time it was when you
19 went to the restaurant?

20 A. I don't remember. But it
21 was before dusk.

22 Q. Was it getting dark out?

23 A. It was before dusk, maybe an
24 hour before sunset.

1 Q. And what kind of food was at
2 the restaurant?

3 A. Meat.

4 Q. What kind of meat?

5 A. (In English) I don't
6 remember. Meat, halal.

7 (Through Interpreter) I
8 don't remember. It was halal meat.

9 Q. And what happened while you
10 were having lunch?

11 A. I went and washed my hands.
12 We finished the food, and I went and
13 washed my hands and we got moving.

14 Q. And then what happened?

15 A. While I was washing, I heard
16 two people talking Arabic.

17 Q. And you were washing your
18 hands in the washroom of the restaurant?

19 A. So it wasn't a bathroom. It
20 was a sink, a place to wash.

21 Q. And this was a bathroom with
22 a door on it, I assume?

23 MR. SHEN: He said it was
24 not a bathroom.

1 THE WITNESS: A place to
2 wash.

3 INTERPRETER ABDEL-RAHMAN: A
4 sink is a good word.

5 THE WITNESS: It was a sink.
6 There was a sink.

7 BY MR. POUNIAN:

8 Q. And what did you hear when
9 you were at the sink?

10 A. I heard them speaking
11 Arabic.

12 Q. Who?

13 A. Those two people.

14 Q. What two people?

15 A. Called Nawaf and Khalid --
16 Nawaf and Khalid.

17 Q. And did you talk to them?

18 A. When I heard them, I greeted
19 them, peace be on you.

20 Q. And did you have a
21 conversation with them?

22 A. Yes. They said, and peace
23 be on you.

24 Q. And where was Osama at that

1 time?

2 A. At the table.

3 Q. And where were you and Nawaf
4 and Khalid?

5 A. Up front at a table next by.
6 Because I washed my hands, and I was
7 walking back. There was our table and
8 their table was next to ours.

9 Q. Were they sitting at their
10 table already?

11 A. Yes.

12 Q. Were they eating already?

13 A. They finished, like us.
14 They were getting done like us.

15 Q. So they had been sitting
16 next to you at the restaurant before you
17 went to wash your hands?

18 A. No, they were behind me.

19 Q. But they had been sitting
20 behind you at the restaurant while you --
21 before you went to wash your hands?

22 A. Yes.

23 Q. And how far away was their
24 table from your table?

1 A. (In English) Two meters.

2 (Through Interpreter) Maybe

3 2 meters.

4 Q. And the first time you heard
5 them was when you went to wash your
6 hands?

7 A. Yes.

8 Q. And they were seated at
9 their table when you heard them?

10 A. Yes. Because the road to
11 the sink passes by them.

12 Q. And how far was the sink
13 from their table?

14 A. From the table, perhaps 2
15 meters also.

16 Q. And did you have a
17 conversation with Nawaf and Khalid?

18 A. Yes. May peace be upon you,
19 may peace be upon you.

20 Q. Did you say anything else?

21 A. No. They spoke with me and
22 with Osama, but -- okay. I'll wait for
23 the question to answer.

24 Q. You spoke to them in Arabic;

1 am I correct?

2 A. Yes.

3 Q. And Osama could not speak
4 Arabic; is that right?

5 A. I interpreted for him. I
6 thought they were from the Gulf area,
7 they didn't look like Saudis at first.

8 Q. You interpreted for Osama?

9 A. I interpreted for Osama, and
10 Osama understood a little bit.

11 Q. And what was the
12 conversation that you had?

13 A. Ordinary conversation.
14 Where do you live? I said, we live in
15 San Diego. And I told them that we were
16 on our -- we were going back home to San
17 Diego now and that San Diego was a
18 beautiful city with nice weather.

19 Q. And did you learn that they
20 were from Saudi Arabia?

21 A. Initially I didn't know they
22 were from Saudi Arabia. I thought they
23 were from the Gulf area.

24 But then when they spoke,

1 they said they were from Saudi Arabia.

2 Q. And where in Saudi Arabia
3 were they from?

4 A. Mecca.

5 Q. And they told you that when
6 you first met them?

7 A. Yes. They told me and told
8 Osama at the same time, because we were
9 together.

10 Q. And did you discuss Mecca
11 with them?

12 A. No.

13 Q. Did you tell them that you
14 were from Mecca?

15 A. No.

16 Q. You grew up in the Mecca
17 area, didn't you, sir?

18 A. In Jeddah, which is in the
19 same principality as Mecca.

20 Q. Sir, have you lived in Mecca
21 before?

22 A. No.

23 Q. Have you lived in the Mecca
24 area before?

1 MR. SHEN: Objection to the
2 form. Just clarify, please.

3 BY MR. POUNIAN:

4 Q. Did you tell Nawaf and
5 Khalid that you were from Mecca?

6 A. I am not from Mecca.

7 Q. Were you born in Mecca or
8 near Mecca?

9 A. No.

10 Q. Where were you born, sir?

11 A. (In English) In a small
12 village in Hagar --

13 (Through Interpreter) In a
14 small village by the name of Hagar.

15 Q. And how far is that from
16 Mecca?

17 A. (In English) Maybe five
18 hours.

19 Q. Did you tell Khalid and
20 Nawaf where you were from?

21 A. They could tell the accent
22 without me saying it.

23 Q. Did you tell Khalid and
24 Nawaf where you were from?

1 A. No.

2 Q. Did you give Khalid and
3 Nawaf your address?

4 A. No.

5 Q. Did you give them your phone
6 number?

7 A. I don't remember. But I
8 told them that we lived close to the
9 Islamic Center in San Diego.

10 Q. What else did you tell them?

11 A. There was not much of a
12 conversation. It was, like, a two-minute
13 conversation.

14 (In English) Then back to
15 San Diego.

16 (Through Interpreter) Then
17 we went back to San Diego.

18 Q. So you estimate the length
19 of your conversation as two minutes?

20 A. Approximately.

21 Q. And where did the
22 conversation take place?

23 A. At the restaurant.

24 Q. And were you standing when

1 you were talking to them?

2 A. I really don't remember if I
3 was standing or not.

4 Q. Well, you said you were
5 washing your hands and you overheard them
6 at their table; is that right?

7 A. Yes.

8 Q. And then did you approach
9 them at their table?

10 A. No, they came to my table.

11 Q. And did they sit down with
12 you?

13 A. I don't believe so. We were
14 leaving already.

15 Q. So they were standing and
16 talking to you while you were seated?

17 A. I don't remember. I don't
18 think that -- I don't think that I was
19 sitting while they were standing. I
20 really don't remember whether we were
21 sitting or standing. The whole thing
22 lasted two minutes or less.

23 Q. And what happened then?

24 A. We just went back to San

1 Diego.

2 Q. Did you say anything to
3 Khalid and Nawaf when you left?

4 A. No.

5 Q. Where did they go?

6 A. I don't know. We left right
7 away.

8 Q. Did they stay in the
9 restaurant when you left?

10 A. I don't remember.

11 Q. Where did you leave them?

12 A. We were inside the
13 restaurant. We were leaving, and they
14 also were leaving. But when we left, I
15 don't know if they left also or if they
16 remained in the restaurant.

17 Q. So where did you say goodbye
18 to them?

19 A. At the same moment -- at the
20 same moment. It was not that long of a
21 time. Just Salaam-Alaikum, we live in
22 San Diego, we are leaving now. And we
23 left.

24 Q. And where did you go from

1 there?

2 A. Back home.

3 Q. And did you try to visit the
4 King Fahad Mosque?

5 A. On that day?

6 Q. Yes.

7 A. Yes, we wanted to go to King
8 Fahad Mosque, but we got lost. Then we
9 departed right away.

10 Q. When did you want to go to
11 the King Fahad Mosque?

12 A. On our way back to San
13 Diego, we wanted to stop by King Fahad
14 Mosque. But I got lost and we were
15 exhausted, so I decided just to head
16 home.

17 Q. Why were you exhausted?

18 A. Because of the long travel
19 from San Diego to Los Angeles. I drove
20 from San Diego to Los Angeles, then there
21 was the filling out of the applications
22 and picking up the mushaffs. That all
23 took time and effort.

24 Q. How long were you at the

1 consulate?

2 A. I don't remember.

3 Q. What time of day was it when
4 you drove back to San Diego?

5 A. For the return, it was
6 around sunset time, perhaps shortly after
7 sunset or shortly before. I believe so.

8 Q. Was it dark during your
9 drive to San Diego?

10 A. I don't remember.

11 Q. What did you do when you got
12 back to San Diego?

13 A. I went home.

14 Q. Did you take Omar to his
15 home -- I'm sorry.

16 Did you take Osama to his
17 home?

18 A. No. Osama lived close to
19 us, so it was a walking distance. He
20 just walked.

21 Q. And where was that, that he
22 lived?

23 A. I don't know. But close to
24 us.

1 MR. SHEN: We heard it
2 yesterday, too. So I just want to
3 make sure.

4 INTERPRETER MIKHAIL:
5 Somebody texted me about the time.
6 I'm not sure if that was the ring.
7 Marwan was texting about the time
8 that I want him to take over.

9 I'm not sure if that rang
10 because I have my telephone on
11 silent. But nothing is being
12 recorded.

13 MR. SHEN: Thank you. Just
14 please make sure that no one but
15 the videographer is recording any
16 portion of this deposition.

17 INTERPRETER MIKHAIL: Okay.

18 Next question, counsel.

19 BY MR. POUNIAN:

20 Q. And did you tell your wife
21 when you would be getting back from Los
22 Angeles?

23 A. No.

24 Q. Sir, when --

1 A. Are you asking me would I
2 inform her when I got there?

3 Q. Sir, I asked the question
4 and you answered it.

5 When did you next see Nawaf
6 and Khalid?

7 A. I saw them at the mosque.

8 Q. And how did you come to see
9 them at the mosque?

10 A. I arrived late to the
11 prayer, and I found them speaking with
12 the Imam and the other people who were
13 praying.

14 Q. Which prayer?

15 A. From what I remember, it was
16 the dusk prayer.

17 INTERPRETER ABDEL-RAHMAN:

18 It also means afternoon.

19 INTERPRETER MIKHAIL:

20 Interpreter corrects. The
21 afternoon prayer.

22 BY MR. POUNIAN:

23 Q. And was it just happenstance
24 that you were at the mosque at the same

1 time Nawaf and Khalid were at the mosque?

2 A. No. They were already at
3 the mosque, and I arrived late for the
4 prayer and I met them there.

5 Q. And how long had they been
6 at the mosque before you arrived?

7 A. I don't remember.

8 Q. And what mosque did you see
9 them at?

10 A. Islamic Center.

11 Q. And did you walk up to them
12 when you saw them?

13 A. No, they came and they said,
14 peace be on you.

15 Q. So the first time that you
16 saw them, they came up to you at the
17 Islamic Center of San Diego; is that
18 right?

19 A. Yes.

20 Q. And before that, had anyone
21 told you that they were at the Islamic
22 Center of San Diego?

23 A. No, no one told me.

24 Q. And was anyone else present

1 when you talked to them?

2 A. Yes. It was during the
3 prayer time, there were people present.

4 Q. Was anyone else part of the
5 conversation that you had with them?

6 A. I don't remember.

7 Q. Had they talked to anyone
8 else at the mosque?

9 A. I don't think so.

10 Q. So the first person they had
11 a conversation with at the mosque was
12 you?

13 MR. SHEN: Objection to
14 form. Objection. It's a
15 statement. There's no question.

16 MR. POUNIAN: That's a
17 question.

18 INTERPRETER MIKHAIL: So it
19 is a question?

20 THE WITNESS: They were
21 there before me.

22 BY MR. POUNIAN:

23 Q. Did you see them talking to
24 anyone else at the mosque?

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1 A. After that, when they came
2 to rent the apartment.

3 Q. And what day was that on?

4 A. I don't remember.

5 Q. Well, how long after you
6 first saw them at the -- how long after
7 you first saw them did they -- did you
8 meet them about renting the apartment?

9 A. I really don't remember.

10 Q. How long had it been since
11 you saw them in Los Angeles until the
12 time you saw them for the first time in
13 San Diego?

14 A. It could be a week. It
15 could be four days. I really don't
16 remember. I don't know.

17 Q. Could it be one day?

18 A. I don't believe one day.

19 Q. Could it be two days?

20 A. I don't remember.

21 Q. And why do you not believe
22 one day?

23 A. Because it didn't happen
24 right away that they came. It was

1 sometime later.

2 Q. And how long later?

3 A. You mean after I met them in
4 Los Angeles?

5 Q. Yes.

6 A. I don't recall.

7 Q. So you don't know how long
8 it was between the time you met them in
9 Los Angeles and the time you first saw
10 them in San Diego?

11 A. I don't remember.

12 MR. POUNIAN: Let's go on
13 the FBI record.

14 VIDEO TECHNICIAN: Did you
15 say go on the FBI record?

16 MR. POUNIAN: Oh, we're
17 still on it. Okay. I'm fine.
18 Thank you.

19 If we could mark as the next
20 exhibit FBI 8023 to 60, please.

21 - - -

22 (Whereupon, Exhibit
23 al-Bayoumi-704, FBI 8023-8060, was
24 marked for identification.)

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1 - - -

2 MR. POUNIAN: If we could go
3 to PDF 4 on this document, which
4 is FBI 8026.

5 BY MR. POUNIAN:

6 Q. Sir, is this -- is this your
7 handwriting on this document?

8 A. Yes. Yes.

9 Q. All the handwriting that's
10 on this page is your handwriting; is that
11 right?

12 A. No.

13 Q. What handwriting is not your
14 handwriting?

15 A. (In English) Social
16 Security.

17 (Through Interpreter) That
18 thing down there, Social Security. And
19 after that also.

20 Q. I don't see any handwriting
21 at Social Security.

22 Oh, you're saying that --
23 you're saying that is not your
24 handwriting?

1 A. (In English) Yes, yes, yes.

2 Q. But the name above that is
3 your handwriting?

4 A. Yes.

5 Q. That's your handwriting?

6 A. Yes, yes.

7 Q. And if we go down below to
8 where it says, Residences, this is your
9 handwriting here also?

10 A. Yes.

11 MR. POUNIAN: Go to the next
12 page of the document. And we're
13 going to have to flip.

14 BY MR. POUNIAN:

15 Q. Is that your handwriting
16 there under --

17 A. Yes.

18 Q. Everything there that we're
19 showing is your handwriting under,
20 Personal references, and, In case of
21 emergency?

22 A. Yes.

23 Q. Okay.

24 MR. POUNIAN: Now, could we

1 now go to 18 of the PDF on this
2 document, please?

3 BY MR. POUNIAN:

4 Q. And is that your signature,
5 sir?

6 A. Yes.

7 MR. POUNIAN: And could we
8 go to Page 25? And could we just
9 highlight.

10 BY MR. POUNIAN:

11 Q. Is that -- is the lower
12 right-hand signature, is that your
13 signature?

14 MR. POUNIAN: No, below
15 that.

16 THE WITNESS: Yes, the one
17 below. Yes.

18 BY MR. POUNIAN:

19 Q. You signed below your name
20 and someone else signed above your name;
21 is that right?

22 A. Yes, yes.

23 MR. POUNIAN: And if we
24 could go to Page -- it's 8053 in

1 the lower right-hand corner, about
2 six pages later.

3 And if we could just
4 highlight Mana Life on the
5 right-hand side under E. Just
6 highlight that.

7 BY MR. POUNIAN:

8 Q. Sir, what is -- what is Mana
9 Life?

10 A. (In English) I don't know.

11 Q. This came up on your credit
12 report.

13 Do you know what that is?

14 A. (In English) No.

15 (Through Interpreter) My own
16 credit report? No.

17 Q. All right.

18 MR. POUNIAN: If we could
19 now mark as the next exhibit FBI
20 8276, please.

21 - - -

22 (Whereupon, Exhibit
23 al-Bayoumi-705, FBI 8276-8281, was
24 marked for identification.)

This Transcript Contains Confidential Material

1 - - -

2 BY MR. POUNIAN:

3 Q. And, again, sir, is this
4 your handwriting on this document?

5 A. Yes.

6 MR. POUNIAN: And if we
7 could turn to the next page, FBI
8 8277.

9 BY MR. POUNIAN:

10 Q. Is this your -- is this your
11 handwriting in the personal references
12 and in case of emergency on this
13 document?

14 A. Yes.

15 Q. And did you -- is it your
16 handwriting next to the date on this
17 document in the lower -- is that your
18 handwriting of the date?

19 A. The date, yes.

20 Q. But not the signature?

21 A. No.

22 Q. All right.

23 MR. POUNIAN: If we go to
24 the next page, 8278.

1 BY MR. POUNIAN:

2 Q. And we've already -- I've
3 already shown you this document earlier.

4 And you said this was your
5 signature except for the line where it
6 says Social Security.

7 A. Yes.

8 MR. POUNIAN: And if we
9 could turn to the next page.

10 BY MR. POUNIAN:

11 Q. And, again, this is your
12 handwriting here?

13 A. Yes.

14 Q. And you handwrote in the
15 date on the bottom here also?

16 A. Yes.

17 MR. POUNIAN: And if we
18 could go to the next page, please.

19 BY MR. POUNIAN:

20 Q. And do you recognize your
21 handwriting on this page, sir?

22 A. Yes.

23 Q. And is your handwriting --
24 did you handwrite your name?

1 MR. POUNIAN: If you can
2 scroll up, please, at the top.
3 Thank you. And just highlight the
4 name.

5 BY MR. POUNIAN:

6 Q. You handwrote that and your
7 driver's license number?

8 A. I don't remember.

9 Q. Is that your handwriting?

10 A. Yes.

11 Q. And is it your handwriting
12 under, Residences, and, Employment?

13 A. The residences, yes.

14 Q. But it's not your
15 handwriting under employment?

16 A. No.

17 Q. All right.

18 MR. POUNIAN: If we go to
19 the next page.

20 BY MR. POUNIAN:

21 Q. Is everything on this page
22 your handwriting, sir?

23 A. Yes.

24 Q. Did you go with Khalid and

1 Nawaf to the Parkwood Apartments rental
2 office?

3 A. Yes.

4 Q. Did you show them where that
5 was?

6 A. Yes.

7 Q. And where did you meet them
8 when you took them to that office?

9 A. I really don't remember now.

10 Q. But you met them somewhere
11 and then took them to the Parkwood
12 Apartments rental office?

13 A. Yes.

14 Q. And did you go with Khalid
15 and Nawaf to the Bank of America?

16 A. Yes.

17 Q. And did you help them set up
18 a bank account there?

19 A. No. The bank was
20 immediately behind us. I went with them,
21 and they opened the account.

22 Q. And did you help them -- did
23 you show them where the bank was?

24 A. I went with them to the

1 bank.

2 Q. You walked with them?

3 A. Yes.

4 Q. And where did you walk from?

5 A. (In English) From the
6 complex.

7 Q. And that's where you lived?

8 A. Yes.

9 Q. And you took them to the
10 bank?

11 A. I went with them to the
12 bank, yes.

13 Q. And what was the purpose of
14 going with them to the bank?

15 A. The manager requested a
16 check for the rent.

17 Q. You're saying the manager of
18 the Parkwood Apartments?

19 A. Yes.

20 Q. And did you go -- you
21 took -- you then took Khalid and Nawaf to
22 the bank?

23 A. (In English) I walked with
24 them to the bank.

1 (Through Interpreter) I
2 walked with them to the bank.

3 Q. And did you get a check for
4 them from your account?

5 A. No, they went to open an
6 account at the bank. But the teller
7 there said that a check cannot issue
8 right then. The account needed 24 hours
9 to activate.

10 Q. Did you translate for them
11 at the bank?

12 A. Yes.

13 Then the employee said, let
14 them deposit the money in your account
15 and issue the check from your account.

16 (In English) Same amount.

17 (Through Interpreter) Same
18 amount.

19 Q. And you wrote a check from
20 your account for the payment for the --
21 for Nawaf and Khalid?

22 A. No. They deposited the
23 amount in the account. Then a check was
24 issued for the Parkwood Apartments.

1 Q. And the check was issued
2 from your account to the Parkwood
3 Apartments; is that right?

4 A. Yes. After the deposit was
5 made.

6 Q. And the deposit was made
7 how?

8 A. They deposited the money,
9 and we issued the check right away.

10 Q. And they deposited cash?

11 A. Yes, yes.

12 Q. And you saw the cash?

13 A. Yes.

14 Q. And what did you do with the
15 check when you got it?

16 A. (In English) To the manager.
17 (Through Interpreter) To the
18 manager. To the manager of the complex
19 for the rent.

20 Q. So you walked back to the
21 complex and gave the manager the check?

22 A. Yes.

23 Q. And Nawaf and Khalid were
24 with you?

1 A. Yes, yes.

2 Q. And what time of day was it
3 when you got back to the apartment
4 complex?

5 A. I don't remember.

6 Q. Did Khalid or Nawaf deposit
7 money at the bank?

8 A. They deposited that amount
9 into my account immediately. They gave
10 it to the teller and the teller made the
11 deposit into my account, then I gave them
12 the check.

13 Q. They gave the teller cash
14 that was to be deposited in your account
15 to cover the amount of the check; is that
16 right?

17 A. Yes.

18 Q. And did they also deposit
19 cash for their own account that they were
20 opening at the bank?

21 A. I don't know. Because they
22 were speaking with the teller. I don't
23 know.

24 Q. But you were translating for

1 MS. FLOWERS: And you have
2 stated your objections repeatedly
3 to attempt to coach this
4 witness --

5 MR. SHEN: I'm not coaching
6 the witness.

7 MS. FLOWERS: And you need
8 to knock off.

9 MR. SHEN: If you want to
10 use a document that's in the
11 record, go ahead and use a
12 document. If you want to
13 characterize the document and you
14 do it in a misleading and false
15 manner, then I can state my
16 objections.

17 MS. FLOWERS: There's been
18 nothing false. There's been a
19 heck of a lot of coaching of this
20 witness. And it needs to quit.

21 Please don't translate all
22 the objections. Translate the
23 question. And let's get a
24 succinct objection on the record.

1 THE WITNESS: First of all,
2 let me tell you that if I called
3 Fahad al-Thumairy ten times, he
4 wouldn't answer. This is the
5 first thing.

6 And the second thing is that
7 whenever I called Fahad
8 al-Thumairy, it was regarding
9 either mushaffs or a question from
10 one of the mosque patrons.

11 BY MR. POUNIAN:

12 Q. Did Fahad al-Thumairy call
13 you?

14 A. Well, Fahad, I really
15 can't -- you know, Fahad doesn't answer
16 the phone calls coming to him. Maybe out
17 of 50 calls, he would answer one.

18 So, for example, if I had
19 someone who was asking a question which I
20 should direct to him, or to another Imam
21 or another Sheikh, it was hard to get
22 ahold of him. It was hard to get him to
23 answer the phone.

24 Q. Sir, I asked you about this

1 group of calls.

2 There's a group of calls
3 from December 6th, 1999, to February 4th,
4 2000; 22 calls in that period of time.

5 Can you tell us, sir, what
6 you were talking to Fahad al-Thumairy
7 about on those calls?

8 MR. SHEN: Objection.

9 Completely mischaracterizes the
10 record.

11 THE WITNESS: It's either
12 one of two things.

13 Number one, if we needed the
14 mushaffs. The second thing would
15 be someone in the mosque asking a
16 question to which I needed an
17 answer.

18 BY MR. POUNIAN:

19 Q. Sir, do you remember what
20 you were talking about on these phone
21 calls, these 22 calls, to or from Fahad
22 al-Thumairy?

23 MR. SHEN: Objection.

24 Mischaracterizes the record.

1 THE WITNESS: Well, the
2 calls were not necessarily coming
3 from me. It could be from one of
4 the worshippers in the mosque.

5 As, for example, there's a
6 call on December 19th, one on
7 December 20th, another on December
8 21st, 21st, 27th, all the way to
9 February 4th. And it could be one
10 of the worshippers asking --
11 calling to ask a question. It's
12 not necessarily me.

13 BY MR. POUNIAN:

14 Q. And there's calls from Mr.
15 Thumairy to your cell number; is that
16 right, sir?

17 MR. SHEN: Objection. He
18 can answer as to what is stated on
19 the document. You're not showing
20 him the source documents.

21 I assume you're not asking
22 him to verify the veracity of what
23 you have put on this document.

24 MS. FLOWERS: Objection to

1 Why would you be calling the
2 Culver City court on July 13th, 2000?

3 MR. SHEN: Objection.

4 Assumes facts not in evidence.

5 THE WITNESS: I don't
6 remember.

7 VIDEO TECHNICIAN: Interrupt
8 real quick. Steve, we are not in
9 the FBI documents right now,
10 correct?

11 MR. POUNIAN: We actually
12 are, yes.

13 VIDEO TECHNICIAN: I'm going
14 to move everyone into the room
15 right now.

16 MS. PRITSKER: DIB counsel
17 is now being excluded from the
18 deposition.

19 - - -

20 (FBI Protected Material.)

21 - - -

22 BY MR. POUNIAN:

23 Q. Did Nawaf and Khalid move
24 into the Parkwood Apartments?

1 A. Yes. They rented in
2 Parkwood.

3 Q. And do you recall when they
4 moved into the building?

5 A. No, I don't remember.

6 Q. Where was their apartment?

7 A. It was on the same line
8 where my apartment was.

9 Q. And did you visit their
10 apartment when they moved in?

11 A. No.

12 Q. Did you ever visit their
13 apartment?

14 A. I did not visit. But there
15 was an occasion where there was an
16 honoring of volunteers at the mosque and
17 there were families, so we had to take
18 their apartment to accommodate everyone.

19 Q. And who had to take their
20 apartment to accommodate everyone?

21 A. So there was an occasion at
22 my apartment, at my place, where families
23 came -- where people came and they
24 brought their families with them.

1 Part of the families were
2 females. And we have separation, where
3 men and women don't mingle. So the
4 people had to go and request for them to
5 use the apartment for the night to have
6 dinner. So they did not approve easily,
7 but eventually they approved.

8 Q. And why do you say "they did
9 not approve easily"?

10 A. They did not want to.

11 Q. They told you that?

12 A. No. The people that brought
13 their families with them, they went and
14 they asked them, we need the apartment
15 because we have people, the families with
16 us.

17 At the beginning they said
18 no. But when they saw the people coming,
19 eventually they said okay, fine, no
20 problem.

21 Q. Isn't it true, sir, that you
22 asked Khalid and Nawaf if male guests
23 could congregate in their apartment?

24 A. It wasn't me. It was the

1 people that brought their families with
2 them. They asked them to use the
3 apartment and eventually they said okay.

4 MR. POUNIAN: Show the
5 witness Exhibit-703, Page 1064,
6 please.

7 BY MR. POUNIAN:

8 Q. Sir, we're going to show you
9 that same FBI interview report regarding
10 the August 2003 interview they conducted
11 of you.

12 MR. POUNIAN: And if we go
13 to Page 1064, which should be ten
14 pages into the document. If we
15 could highlight the second full
16 sentence there, Because the female
17 guests.

18 BY MR. POUNIAN:

19 Q. It states, Because the
20 female guests would be in the own
21 apartment -- his own apartment with his
22 wife, al-Bayoumi asked Khalid and Nawaf
23 if male guests could congregate in their
24 apartment.

1 Do you see that, sir?

2 A. Yes. Their apartment did
3 not have furniture. But it's the people
4 that brought their families that asked
5 them. And I was one of them.

6 Q. So you were there and you
7 were part of the group that asked them;
8 is that right?

9 A. Yes, yes.

10 Q. So you did ask them if
11 the -- this event could be held at their
12 apartment, right?

13 A. So it's not that I went and
14 asked ahead. It was what happened. The
15 occasion was ongoing, people came and
16 they brought their families with them.
17 So the women were inside the apartment
18 and the men had to step outside.

19 So when they saw the men
20 stepping outside, we went and asked them,
21 can we use them. At the beginning they
22 said no. But eventually they said fine.
23 It's what happened.

24 MR. POUNIAN: If we could

1 mark FBI 4015 through -- actually,
2 it starts at FBI 4013 to 4018 as
3 an exhibit, please.

4 - - -

5 (Whereupon, Exhibit
6 al-Bayoumi-707, FBI 4013-4018, was
7 marked for identification.)

8 - - -

9 BY MR. POUNIAN:

10 Q. Did you videotape the party
11 that was held, sir?

12 A. Yes, yes.

13 Q. And did you operate the
14 video yourself?

15 A. I and Osama and a group of
16 people were present, each of us took
17 their turn.

18 Q. And have you seen that
19 video?

20 A. Yes.

21 Q. When is the last time you
22 saw it?

23 A. When I handed it to the
24 British police.

1 did not want to be in the pictures. They
2 went inside when the pictures were taken.

3 Q. Did you talk with them at
4 the party?

5 A. No. They were among the
6 present, those present.

7 Q. And did you thank them for
8 having the party at their apartment?

9 A. I don't remember, but I
10 presume so. But I don't remember.

11 Q. Do you know a man named
12 Hashim Al Attas?

13 A. Yes, Hashim Al Attas.

14 Q. And who is Hashim Al Attas?

15 A. (In English) I forgot the
16 name. Language institute.

17 (Through Interpreter) He was
18 my colleague at the institution. I
19 forgot the name. Language institute.

20 Q. And did you become aware
21 that Khalid and Nawaf lived at his
22 apartment?

23 A. I don't remember.

24 Q. Do you remember placing

1 phone calls to Hashim Al Attas?

2 A. Hashim Al Attas was my
3 colleague, but I don't remember when I
4 called or whatnot.

5 Q. Did you ever let anyone use
6 your cell phone, sir?

7 A. Ever? Yes.

8 Q. And who was that?

9 A. Yes. When I go home --
10 usually when I go home, my cell phone is
11 usually with my kids. And then the kids
12 go out to the pool or to the mosque and
13 the colleagues, anybody who wants to make
14 a phone call, I let them. They do. It's
15 normal.

16 Q. And did you let Nawaf and
17 Khalid use your cell phone?

18 A. Me, personally, I don't
19 think so. But I don't remember.

20 Q. Did you see Nawaf and Khalid
21 at the Parkwood Apartments after the
22 party?

23 A. The time -- it was a very
24 short period of time during that time. I

1 would see them when I would be on my way
2 to the mosque or on my way back. Yes, I
3 would see them.

4 Q. And where did you see them?

5 A. I would see them by the pool
6 with my children or when I was in the
7 apartment, because it had glass windows
8 and it's open to the outside. The
9 inside -- those inside can view the
10 outside and vice versa.

11 Q. Did you see them at the
12 mosque?

13 A. At times.

14 Q. And did you see them -- what
15 mosques did you see them at in San Diego?

16 A. I would see them at the
17 Islamic Center. But at times; they did
18 not pray there all the time, at times.

19 Q. Where else did they pray?

20 A. I do not know. I would be
21 home. I don't know.

22 INTERPRETER MIKHAIL:

23 Interpreter corrects.

24 THE WITNESS: Perhaps at the

1 on your own work product?

2 MR. POUNIAN: We'll get the
3 records out and show you if you
4 want -- if you want to waste
5 another half hour on the record.
6 But I can do that.

7 MR. SHEN: You can use your
8 remaining time however you'd like.
9 I'm objecting.

10 MS. FLOWERS: Objection to
11 speaking objections.

12 INTERPRETER ABDEL-RAHMAN:
13 I'm not sure, Mr. Pounian, am I
14 supposed to interpret the
15 objection or no?

16 MR. POUNIAN: Let me ask a
17 question, and you don't need to
18 interpret anything. I'll ask a
19 new question.

20 BY MR. POUNIAN:

21 Q. Did you pay for your trip to
22 Washington, sir?

23 A. Yes, yes.

24 Q. And did you use your credit

1 card for the hotel there?

2 A. I don't remember.

3 Q. And you don't remember where
4 you stayed?

5 A. I stayed at the hotel close
6 to the Watergate building.

7 Q. You say that you attended
8 George Washington University for your
9 project management course; is that right?

10 A. Yes. The courses were given
11 at Watergate.

12 Q. Sir, did you know Anwar
13 Aulaqi?

14 A. Anwar Aulaqi was a mosque
15 Imam.

16 Q. Did you know him when you
17 were in San Diego?

18 A. I knew he was an Imam, yes.

19 Q. And did you know him -- had
20 you met him in person?

21 A. No.

22 Q. Did you have contact with
23 him either in person or on the phone?

24 A. I don't remember.

1 Q. Sir, didn't you tell the
2 9/11 Commission that you had contact with
3 Anwar Aulaqi with whom you discussed
4 religious matters and ideas?

5 MR. SHEN: Objection to
6 form.

7 THE WITNESS: Religious
8 matters and ideas? No.

9 What may have happened is
10 that one of the worshippers had a
11 question and I directed him to
12 Anwar or to the other Imam of the
13 Islamic Center Abu Bakr.

14 But discussions -- religious
15 discussions between the two of us,
16 no.

17 MR. POUNIAN: If we can show
18 the witness Exhibit-708, please.
19 Go to Page 6 and highlight the
20 paragraph just above, Involvement
21 in San Diego mosques. It's down
22 below. Further down. It says,
23 Similarly. That paragraph. Up
24 above that. There you go. Thank

1 you.

2 BY MR. POUNIAN:

3 Q. The 9/11 Commission
4 memorandum states that you conceded
5 having had contact with Anwar Aulaqi,
6 with whom you discussed religious matters
7 and ideas similar to those you discussed
8 with other Imams.

9 Do you recall telling that
10 to the 9/11 Commission?

11 A. No. It might have been a
12 question. But discussion in religious
13 matters, no. I did not have time, to
14 begin with, to discuss religious matters.
15 I was busy with my studies.

16 Q. What studies?

17 A. My studies in America,
18 university studies.

19 Q. What studies were you
20 carrying out in the year 2000, sir, in
21 San Diego?

22 A. In San Diego, I had
23 courses -- I was taking courses,
24 community college courses. And I was

1 also preparing for my Ph.D. I was doing
2 research and was preparing myself for
3 admittance at the university, whether
4 either in the United States or Great
5 Britain, in addition to the project
6 management certificate courses.

7 Q. Well, the one record we
8 received, sir, was the project management
9 certificate of a course you took in San
10 Diego over a course of four days in
11 February, at the end of February, early
12 March 2000.

13 Are you aware of any other
14 certificates that you received for any
15 schooling during the year 2000?

16 A. I don't remember. But if
17 you go back to the records, you will find
18 some, for sure.

19 Q. Well, none have been
20 produced to us by the Kingdom of Saudi
21 Arabia.

22 MR. POUNIAN: If there are
23 any, we demand that they be
24 produced.

1 BY MR. POUNIAN:

2 Q. Sir, do you know a man named
3 Mohdar Abdullah?

4 MR. BEETAR: Mohdar
5 Abdullah.

6 THE WITNESS: Yes.

7 BY MR. POUNIAN:

8 Q. And where did you know
9 Mohdar Abdullah?

10 A. From the mosque.

11 Q. Which mosque?

12 A. Islamic Center in San Diego.

13 Q. And did you also know him at
14 the Al-Madina Mosque?

15 A. No. Occasionally he came to
16 Al-Madina Mosque. Very rarely.
17 Sometimes. When there were dinners in
18 Ramadan, he showed up sometimes.

19 Q. And did you see Mohdar
20 Abdullah with Nawaf and Khalid?

21 A. No.

22 Q. Now, Mohdar Abdullah
23 testified in this case that when he first
24 met Nawaf and Khalid, he was at a mosque

1 and that you were there.

2 Do you recall seeing Mohdar
3 Abdullah with Nawaf and Khalid at a
4 mosque?

5 A. I don't recall.

6 Q. Well, you just said earlier
7 that you did not see Mohdar Abdullah
8 with Nawaf and Khalid, and now you're
9 saying you don't recall.

10 What is it, sir?

11 A. If you realize that at the
12 mosque there would be, like, 100 persons,
13 how could one possibly tell if this man
14 was here, that man was there or was not.
15 You cannot -- you cannot know.

16 Q. Mohdar Abdullah remembered
17 you and only you out of a group of people
18 who was there when he met with Nawaf and
19 Khalid.

20 MR. SHEN: Objection to
21 form. Mischaracterizes the
22 testimony.

23 THE WITNESS: He was a poor
24 person and we showed him sympathy.

1 We wanted to share meals with him
2 at the mosque.

3 And the Kurdish community
4 made food and shared meals. They
5 invited him to share meals with
6 them. And he came to share meals.

7 And of course he knew me
8 because I was always on the move,
9 coming in and going out.

10 BY MR. POUNIAN:

11 Q. Well, do you remember any
12 contacts with Mohdar Abdullah other than
13 showing him sympathy and sharing -- and
14 as a result sharing meals with him?

15 A. No.

16 Q. And did you see Mohdar
17 Abdullah at the Al-Rribaah Mosque?

18 A. I very rarely went to
19 Al-Rribaah Mosque, maybe once a year or
20 so.

21 (In English) Al-Rribaah is
22 far away from my home.

23 MR. POUNIAN: If we could
24 show the witness, please, Exhibit

1 FBI -- not FBI, but it's an FBI
2 exhibit -- 703.

3 MS. INT-HOUT: And, I'm
4 sorry, we're ready?

5 MR. POUNIAN: Ready for
6 showing an FBI exhibit.

7 VIDEO TECHNICIAN: Yes, we
8 never left.

9 MR. POUNIAN: I didn't think
10 so.

11 Let's go to the last page,
12 1068, please. About three pages
13 up. If we could highlight just
14 the second sentence there.

15 BY MR. POUNIAN:

16 Q. This is from your interview
17 that was conducted in August of 2003 with
18 the FBI.

19 It states that, al-Bayoumi
20 recalled seeing Abdullah, Mohdar
21 Abdullah, with Khalid and Nawaf at the
22 mosque.

23 Did you tell the FBI that
24 you recalled seeing Abdullah, Mohdar

1 Abdullah, with Khalid and Nawaf at the
2 mosque?

3 A. No. The way this phrase is
4 worded is incorrect.

5 Q. You're saying this is not a
6 correct statement in the FBI report?

7 A. Perhaps it's wrongly worded.

8 Q. How would you correct the
9 wording?

10 A. I do not know. Perhaps I
11 saw Khalid, Abdullah and Nawaf during the
12 Eid. It's possible, but I don't remember
13 seeing them in specific.

14 Q. What recollection do you
15 have of seeing them during some type of
16 holiday?

17 A. I don't remember
18 specifically.

19 Q. Well, when you say Eid, what
20 Eid are you referring to? Eid al-Fitr or
21 Eid al-Adha?

22 A. I don't remember.

23 Q. Did Nawaf call you on the
24 phone?

1 A. No. There's no
2 relationship. There's no relationship
3 between us. I don't remember him
4 calling.

5 Q. Did you give Nawaf your
6 phone number?

7 A. Perhaps. Perhaps in the
8 beginning, yes. It's in the phone book.

9 Q. Well, the records that were
10 produced to us by the FBI showed that
11 there's a phone call from the phone
12 registered to Nawaf Hazmi's cell phone to
13 your cell phone on March 9th, 2000, and a
14 second call on March 17th, 2000.

15 MR. SHEN: Objection. Is
16 that your representation?

17 MR. POUNIAN: It is. And I
18 haven't finished my question yet.

19 BY MR. POUNIAN:

20 Q. Did you receive those phone
21 calls from Nawaf al-Hazmi?

22 MR. SHEN: Objection.

23 BY MR. POUNIAN:

24 Q. Or get a message from Nawaf

1 was taking care of the operation.

2 Q. And when you say "taking
3 care of the operation," he was -- the
4 funds were all coming from him is what
5 you're saying?

6 A. Yes. He was the one who
7 supported the mosque. He's the owner.

8 Q. Did you know a man named
9 Sharif Battakhi in San Diego?

10 A. Yes.

11 Q. And what was your
12 relationship with Sharif Battakhi?

13 A. I didn't have a relationship
14 with him, but I knew he was at the
15 mosque, at the Islamic Center.

16 Q. If we turn to your phone
17 book, just the page in front of you right
18 now, if we go down to the very bottom of
19 that page, there's a listing, the second
20 from the bottom, for The Saudi American
21 Bank with an account number.

22 Do you see that, sir?

23 A. Yes.

24 Q. And you had an account at

1 The Saudi American Bank; am I right?

2 A. Yes.

3 Q. Is that your account number?

4 A. I don't recall.

5 MR. POUNIAN: And if we
6 could go up to the third page of
7 this document, FBI 1295.

8 BY MR. POUNIAN:

9 Q. And there's a list for Bank
10 of America. And there's an account
11 number listed there.

12 Do you see that, sir?

13 And we previously showed
14 your account number, which is the same
15 number on this particular sheet.

16 Can you identify that as
17 your account number, sir?

18 A. No.

19 Q. You testified before that
20 this phone list was set out in public at
21 the mosque; is that right?

22 A. There was at the beginning.
23 Part of it was outside, and there was a
24 sheet that later on names were input by

1 computer.

2 Q. Why was your personal
3 banking information on a sheet that would
4 be shared with others?

5 MR. SHEN: Objection.

6 THE WITNESS: I don't know.

7 That was mine. But then they
8 started adding names and adding
9 names.

10 INTERPRETER ABDEL-RAHMAN:
11 Could the interpreter ask the
12 witness to repeat the last part of
13 his answer?

14 THE WITNESS: At the
15 beginning, I made that phone book
16 for myself. At the beginning.
17 Then the volunteers started to
18 come, every time they found a
19 page, they would add it. They
20 were helping me.

21 BY MR. POUNIAN:

22 Q. And you can't name any of
23 those volunteers, right?

24 A. I didn't know them. They

1 were from the Kurdish community. But
2 they were trying to help me. They were
3 always helping me with the computer, with
4 cleanliness, with food. They always
5 offered help.

6 Q. Did you know a man named
7 Yazid al-Salmi?

8 A. No.

9 Q. You didn't know him as the
10 nephew of Mohammad al-Salmi who worked at
11 the Presidency of Civil Aviation?

12 A. I didn't find out until I
13 went back to Saudi Arabia later.

14 Q. Find out what?

15 A. I learned that he was a
16 relative of al-Salmi's.

17 Q. And that who was a relative
18 of al-Salmi's?

19 A. This one, Yazid.

20 Five years later, after I
21 came to Saudi Arabia, I learned that he
22 was related to Mohammad al-Salmi.

23 Q. And you knew Yazid in San
24 Diego?

1 THE WITNESS: What does he
2 say?

3 BY MR. POUNIAN:

4 Q. He said that you took him to
5 Dr. Shaikh's house to find him
6 accommodation.

7 MR. SHEN: Objection to the
8 form.

9 BY MR. POUNIAN:

10 Q. That's what the interview
11 report of the FBI states.

12 A. That's incorrect. Dr.
13 Shaikh was willing to help anyone. He
14 liked students, Saudi Arabian students.
15 He liked to help anyone.

16 Q. And you knew that, sir,
17 right?

18 A. I knew it from Dr. Shaikh's
19 personality.

20 Q. And who did you know that
21 Dr. Shaikh had at his house when you were
22 in San Diego?

23 INTERPRETER ABDEL-RAHMAN:
24 What was the question again?

1 BY MR. POUNIAN:

2 Q. I said, who did you know
3 that Dr. Shaikh had staying at his house
4 while you were in San Diego?

5 A. I didn't know.

6 Q. Did you know that Nawaf and
7 Khalid were at Dr. Shaikh's house?

8 A. No.

9 Q. Did you know, sir, that Adel
10 Al Sadhan was at Dr. Shaikh's house?

11 A. No.

12 Q. And Mutaeb al-Sudairy, you
13 didn't know that either?

14 A. No.

15 MR. POUNIAN: Can we go off
16 the record for just a second,
17 please?

18 VIDEO TECHNICIAN: Going off
19 the record at 3:59 p.m.

20 - - -

21 (End of FBI Protected
22 Material.)

23 - - -

24 MS. PRITSKER: DIB bank has

1 been excluded from the testimony
2 from 3:02 p.m. Eastern and is now
3 just back in the deposition.
4 Thank you.

5 - - -

6 (Whereupon, a brief recess
7 was taken.)

8 - - -

9 VIDEO TECHNICIAN: We're
10 back on the video record at 4:01
11 p.m. And we're going to start
12 going on the FBI record.

13 MS. PRITSKER: DIB counsel
14 is being excluded from the
15 testimony once again. When it was
16 brought back into the deposition
17 room, it was off record and we
18 asked that when we were brought
19 back into the room, the record
20 remain open until we have an
21 opportunity to speak. Thank you.

22 - - -

23 (FBI Protected Material.)

24 - - -

This Transcript Contains Confidential Material

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - -

IN RE: TERRORIST ATTACKS : 03-MDL-1570
ON SEPTEMBER 11, 2001 : (GBD) (SN)

- - -

JUNE 11, 2021
VOLUME III

THIS TRANSCRIPT CONTAINS
CONFIDENTIAL MATERIAL

- - -

Remote Videotaped
Deposition, taken via Zoom, of OMAR
AL-BAYOUMI, commencing at 7:04 a.m., on
the above date, before Amanda
Maslynsky-Miller, Certified Realtime
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

- - -

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deps@golkow.com

1 remember. It could have been
2 another person who called.

3 BY MR. POUNIAN:

4 Q. Another person who called
5 him from your phone in your office at the
6 mosque and then on your cell phone and
7 then again on the -- so you're saying
8 that someone may have used those phones
9 all to call Mutaeb al-Sudairy at the end
10 of January and early February 2000?

11 A. I cannot say that a specific
12 person made that phone call. I don't
13 know who exactly made the call. I don't
14 remember.

15 Q. Are you saying, sir, that
16 you didn't make the call on your own
17 phone?

18 A. I don't remember, no.

19 Q. Do you know a man named
20 Osama Bosnan?

21 A. His wife was friends with my
22 wife.

23 Q. And did you know him?

24 A. Superficial knowledge from

1 the mosque.

2 Q. And what was he doing in San
3 Diego?

4 A. I don't know.

5 Q. Did you know that he had
6 worked at one time at the Saudi Embassy
7 in Washington, D.C.?

8 A. I didn't know.

9 Q. Do you know a man named
10 Yassar Bushnak?

11 A. No.

12 Q. Now, your phone records,
13 also, sir, show calls on February 4th,
14 2000, to Anwar Aulaqi, followed by --
15 that's at 4:40 p.m., followed by a call
16 to the Al-Rribaah Mosque at 4:42 p.m.,
17 and another call to the Al-Rribaah Mosque
18 at 4:43 p.m.

19 Why were you trying to reach
20 Anwar Aulaqi on February 4th, 2000?

21 MR. SHEN: Objection to
22 form.

23 THE WITNESS: I don't recall
24 specifically calling him. But if

1 I called him, that must have meant
2 that there was an outstanding
3 question that was asked and it
4 required an answer.

5 So someone must have had a
6 question that I directed to him to
7 answer.

8 BY MR. POUNIAN:

9 Q. And who had that question,
10 sir?

11 A. (The Witness) Many people --
12 many people ask questions. I don't know
13 exactly.

14 Q. And you sent them to Anwar
15 Aulaqi?

16 A. Maybe the contact attempt
17 was made to get an answer for the
18 question. It could have been made to
19 Anwar Aulaqi, to the Islamic Center, to
20 any place which had Sheikhs.

21 Q. And you would call Anwar
22 Aulaqi to make such -- forward such
23 questions -- to forward such questions?

24 A. Not necessarily Anwar

1 Aulaqi, per se. To anyone that could
2 possibly answer the question.

3 And the document that we had
4 yesterday in red, which showed telephone
5 numbers and names of Al-Rribaah Mosque
6 and others, that was used by people to
7 reach out to others to get answers to
8 their questions.

9 Q. And you reached out to Anwar
10 Aulaqi on occasion; is that right?

11 A. Very rarely that I would.

12 Q. But you did, right?

13 A. Yes, I did, on occasions,
14 like when there were dinners or
15 something. But not too many times.
16 Perhaps once or twice.

17 Q. Now, Mohdar Abdullah was
18 interviewed numerous times by the FBI.
19 And the FBI reports state that he told
20 the FBI that you asked him to help Nawaf
21 and Khalid shortly after they arrived in
22 San Diego.

23 Is that -- did you do that,
24 sir?

1 A. That's incorrect.

2 But for newcomers, there
3 were many people, like al-Mohdar, who
4 liked to help anybody, to help everyone.
5 Especially those who needed money, they
6 liked to offer help so that they make
7 some money on the side.

8 MR. SHEN: We've gone for
9 well over 30 minutes now. So why
10 don't we -- you have five more
11 minutes, and then we're going to
12 take a break and pass it on to
13 Robert.

14 MR. KRY: We've given you
15 significant leeway over 14 hours.
16 But we do need to get to our
17 questioning.

18 MR. POUNIAN: It's just --
19 it's painful to hear both of you
20 talk about this as if we've had
21 leeway, when this has been
22 extremely difficult and, also,
23 we've been interrupted constantly.

24 I have another line of

1 questions here. Let me ask them,
2 and then we'll take a break.

3 MR. CARTER: I do just want
4 to add to this, Andy, that I know
5 Robert suggested that this was not
6 a traditional practice. But the
7 protocol requires that all the
8 colloquy be removed for purposes
9 of counting the time. We haven't
10 bothered to go through that.

11 But it more than offsets the
12 time that you're saying we're over
13 the limit.

14 MR. SHEN: We don't need to
15 be bean counters. Like I said,
16 I'm not --

17 MR. CARTER: I'm not being a
18 bean counter.

19 MR. SHEN: -- ask redirect
20 questions.

21 MR. CARTER: I think we have
22 14 hours, Andy, with the colloquy.

23 MR. SHEN: I'm sure you're
24 going to ask redirect questions,

1 However, there were some transactions
2 that he would refer to Salmi for these
3 transactions. Also, there were other
4 times that he would go to Dallah and hold
5 meetings there, and that would be at
6 Dallah.

7 Q. Did you ever see Alawi Kamel
8 come to the Airways Engineering offices
9 and instruct Alp Karli how to perform his
10 work at Airways Engineering?

11 A. No.

12 Q. Did you ever see anyone else
13 come from Dallah headquarters to Airways
14 Engineering to direct Alp Karli how to
15 conduct his work?

16 A. No. But people came from
17 Dallah. Also, Karli was a big manager.
18 He was not somebody to take instructions.
19 He was someone to give instructions.

20 Q. Did Karli ever take
21 instructions from al-Salmi?

22 A. I do not know.

23 Q. Other than the fact that
24 there were times that Alp Karli attended

1 meetings at the Dallah offices, are you
2 aware of any other specific facts showing
3 that Dallah Avco directed and supervised
4 Alp Karli's work at Airways Engineering?

5 A. No.

6 Q. When Alp Karli went to
7 Dallah offices to attend meetings, do you
8 know what the subject of those meetings
9 was?

10 A. No.

11 Q. All right.

12 MR. KRY: I'm going to mark
13 as Exhibit-719 a document produced
14 at KSA 1054.

15 This is a PCA form, dated
16 November 23rd, 1993, concerning
17 your transfer from the PCA's
18 financial administration
19 department to Airways Engineering.

20 BY MR. KRY:

21 Q. Mr. al-Bayoumi, why did you
22 transfer from financial administration to
23 Airways Engineering in 1993?

24 A. It was for the purpose of

1 the Saudization of the posts at the
2 Airways Engineering.

3 MR. KRY: Give me one
4 moment.

5 - - -

6 (Whereupon, a discussion off
7 the record occurred.)

8 - - -

9 MR. NITZ: It's in there,
10 it's under Exhibit-364 because
11 it's been previously marked. So
12 it should be in there under 364.

13 - - -

14 (Whereupon, a discussion off
15 the record occurred.)

16 - - -

17 MR. KRY: And I may have
18 misspoken on the Bates number.
19 This one was produced at KSA 4515.

20 MR. NITZ: No, you got it
21 right, Robert. This is 1054.

22 MR. KRY: I think there's a
23 discrepancy in the documents. Can
24 I put up KSA 4515?

1 MR. NITZ: I'll get that one
2 up. And we'll call this one 719.

3 MR. KRY: Thank you.

4 - - -

5 (Whereupon, Exhibit
6 al-Bayoumi-719, KSA0000004515,
7 Human Resources Department Letter,
8 was marked for identification.)

9 - - -

10 BY MR. KRY:

11 Q. Mr. al-Bayoumi?

12 A. (In English) Yes.

13 Q. Do you see that al-Salmi
14 signed this form confirming that you had
15 begun work at Airways Engineering in
16 1993?

17 A. Yes.

18 Q. And do you recognize that
19 signature as al-Salmi's on the left-hand
20 side of the document?

21 A. Yes.

22 Q. To your knowledge, did
23 anyone at Dallah Avco play any role in
24 your transfer from financial

1 time period, that you were insisting on a
2 specialized English course in accounting,
3 finance, contracts?

4 A. It's accounting and finance,
5 yes. No engineering.

6 I don't remember. I don't
7 remember exactly.

8 Q. Were those courses relevant
9 to your work at Airways Engineering?

10 A. Yes. If it was -- if it was
11 made available to me, it would help me a
12 lot.

13 MR. KRY: Let's mark as
14 Exhibit-722 a document produced at
15 KSA 1032.

16 - - -

17 (Whereupon, Exhibit
18 al-Bayoumi-722,
19 KSA0000001032-1033, 5/30/94
20 Letter, was marked for
21 identification.)

22 - - -

23 BY MR. KRY:

24 Q. This is an employee leave of

1 absence request you submitted to the PCA
2 for a 90-day regular leave, which
3 ultimately started on August 28th, 1994.

4 Do you recall requesting a
5 90-day leave from the PCA that started on
6 August 28th, 1994?

7 A. Yes.

8 Q. Was the purpose of this
9 leave to pursue your educational studies
10 in San Diego?

11 A. It's not a leave. It's a
12 vacation. It's time off.

13 Q. Was the purpose of this time
14 off to pursue educational studies in San
15 Diego?

16 A. Yes.

17 Q. The second block on this
18 form is labeled, Official approval.

19 Do you recognize al-Salmi's
20 signature in that block?

21 A. Yes.

22 Q. To your knowledge, did
23 Dallah Avco have any role in approving
24 this time-off request?

1 A. I do not know if it was
2 Dallah Avco. There are two initials here
3 before al-Salmi. But I do not know.

4 MR. KRY: Let's mark as
5 Exhibit-723 a document produced at
6 KSA 1040.

7 - - -

8 (Whereupon, Exhibit
9 al-Bayoumi-723,
10 KSA0000001040-1041, 11/6/94
11 Letter, was marked for
12 identification.)

13 - - -

14 BY MR. KRY:

15 Q. This is a November 6th,
16 1994, request for a 90-day exceptional
17 leave, starting November 27th, 1994.

18 Do you recall that after
19 your regular leave expired, you asked the
20 PCA for a 90-day exceptional leave?

21 A. Yes.

22 Q. And was the purpose of that
23 exceptional leave also to continue your
24 educational studies in the United States?

1 A. Yes.

2 Q. Do you recognize al-Salmi's
3 signature on this form, too?

4 A. Yes.

5 Q. And, to your knowledge, did
6 Dallah Avco have any role in approving
7 this request?

8 A. I do not know.

9 MR. KRY: Let's mark as
10 Exhibit-724 a document produced at
11 KSA 1046.

12 - - -

13 (Whereupon, Exhibit
14 al-Bayoumi-724, KSA0000001046,
15 2/7/1995 Letter, was marked for
16 identification.)

17 - - -

18 BY MR. KRY:

19 Q. This is a February 7th,
20 1995, request for a second 90-day
21 exceptional leave to start on February
22 27th, 1995.

23 Do you recall asking the PCA
24 for this additional second exceptional

1 leave after the first 90-day exceptional
2 leave expired?

3 A. Yes.

4 Q. Was the purpose of that
5 leave also to continue your studies in
6 the United States?

7 A. Yes.

8 Q. Did al-Salmi sign this form,
9 too?

10 A. Yes.

11 Q. And, to your knowledge, did
12 Dallah Avco have any role in approving
13 this second exceptional leave?

14 A. I do not know.

15 MR. KRY: I'm going to show
16 you now an exhibit that was
17 previously marked Kamel
18 Exhibit-115, produced at DA 2267.

19 BY MR. KRY:

20 Q. This is a letter dated March
21 30th, 1994, from al-Salmi to a company in
22 Texas called Avco Overseas.

23 The letter states, You are
24 requested to pay the tuition for Mr. Omar

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1 al-Bayoumi of U.S. \$4,430.

2 And further down, it adds:

3 In addition, you are requested to pay
4 weekly living allowance up to 30 weeks of
5 U.S. \$600 to Mr. al-Bayoumi.

6 When you were studying at
7 SDSU in 1994 and 1995, did Avco Overseas,
8 in fact, pay your tuition and living
9 expenses, as stated in this letter?

10 A. I do not know.

11 Q. Who paid your tuition for
12 San Diego State University?

13 A. Who paid? I don't know.

14 Q. Do you recall that an ANSS
15 subcontractor paid your living expenses
16 during the time you were in San Diego?

17 A. I think so, yes.

18 Q. And do you recognize Avco
19 Overseas as a subcontractor that used to
20 provide services for the ANSS project?

21 A. I don't remember.

22 Q. Did you ever discuss these
23 subcontractor payments from Avco Overseas
24 with al-Salmi?

1 A. Yes. Alp Karli.

2 Q. So Alp Karli, the ANSS
3 employee, was the one who helped you make
4 these arrangements for you to be seconded
5 to the ANSS project?

6 A. So when I first got to the
7 ANSS, Karli spoke to me and he said,
8 you're going to replace me, you're going
9 to take my post, but get yourself ready.
10 You need to study English and take
11 courses for you to be qualified.

12 Q. And in order to accomplish
13 that, Alp Karli helped make arrangements
14 for you to be seconded to the ANSS
15 project so that you could continue your
16 studies in the United States?

17 A. I don't know if it was Karli
18 or someone else. But it was Karli that
19 helped with the project, and he's the one
20 who told me, your post is going to be
21 like that in the future.

22 Q. Okay. And the reason for
23 the secondment was so you could pursue
24 educational studies in the United States?

1 A. Yes.

2 Q. And did anyone at Dallah
3 Avco ever tell you that Dallah Avco, the
4 company, had an urgent need for your
5 services?

6 A. At that time, many companies
7 wanted my services.

8 Q. Okay. But the reason why
9 you were seconded to the project related
10 to your educational studies?

11 A. No. It had to do with the
12 Saudization.

13 Q. The -- when you say
14 "Saudization," you're referring to the
15 fact that you planned to take over Alp
16 Karli's job at the contract, finance and
17 controls unit?

18 A. Yes.

19 Q. And to do that, you needed
20 to pursue educational studies in the
21 United States?

22 A. Yes.

23 Q. All right.

24 MR. KRY: Let's put up a

1 document previously marked Kamel
2 Exhibit-112, which was produced at
3 DA 1016.

4 BY MR. KRY:

5 Q. This is an authorization to
6 hire form from al-Salmi authorizing
7 Dallah Avco to hire you on to the ANSS
8 project effective June 6, 1995.

9 Do you recognize the PCA
10 letterhead at the top of this form?

11 A. Yes.

12 Q. And do you recognize
13 al-Salmi's signature at the bottom of the
14 form?

15 And I mean the signature on
16 the right-hand side.

17 A. Yes. Yes.

18 Q. On the left-hand side, next
19 to --

20 A. But there's someone -- I'm
21 sorry.

22 There's someone who has his
23 initial on the left-hand side.

24 Q. I was just about to ask you

1

- - -

2 BY MR. KRY:

3 Q. This is a letter that you
4 wrote to al-Salmi, which is stamped as
5 having been received on January 17th,
6 2000, requesting that al-Salmi authorize
7 the disbursement of certain vacation pay
8 that you were entitled to as an ANSS
9 project employee.

10 Do you recall writing to
11 al-Salmi to request that he authorize the
12 disbursement of your vacation pay?

13 A. I don't remember, no.

14 Q. Is the signature toward the
15 top of the document your signature?

16 A. (The Witness) Yes.

17 (Through Interpreter) Yes.

18 Q. And is the -- do you see
19 there's also a handwritten response at
20 the bottom of the letter?

21 A. Yes.

22 Q. And is the signature under
23 that response al-Salmi's signature?

24 A. Yes.

1 Q. These salary and benefits
2 that you received as an ANSS employee
3 over the course of your five-year
4 secondment, were those funds used to pay
5 your education and living expenses in the
6 United States while you were pursuing
7 education?

8 A. Yes.

9 Q. Did you ever use those
10 salary and benefits to fund any illegal
11 activities?

12 A. No.

13 Q. Did you ever tell anyone at
14 Dallah Avco that you were going to use
15 your ANSS salary and benefits for any
16 purpose other than your educational and
17 living expenses in the United States?

18 A. No.

19 Q. Okay.

20 MR. KRY: We're going to
21 need to go on the FBI record for
22 about ten minutes.

23 Can we do that, please?

24 MS. PRITSKER: DIB counsel

1 is now being excluded from the
2 deposition.

3 VIDEO TECHNICIAN: One
4 moment.

5 - - -

6 (FBI Protected Material.)

7 - - -

8 VIDEO TECHNICIAN: Okay.
9 You should be good.

10 MR. KRY: Can we please put
11 up what was previously marked
12 Exhibit-703, Bates numbered FBI
13 1055?

14 This is the summary of the
15 interview you gave to the FBI in
16 2003. And if we can zoom in on
17 the paragraph that spans from the
18 bottom of Page 1 to the top of
19 Page 2.

20 BY MR. KRY:

21 Q. That paragraph states as
22 follows: Depending on the budgetary
23 situation, al-Bayoumi was sometimes told
24 that funding for his tuition and/or

1 during this timeframe?

2 A. No.

3 Q. Mr. Khan testified
4 previously in this case that Airways
5 Engineering determined the amount of the
6 other allowances that would be paid to
7 ANSS employees.

8 Do you have any specific
9 reason to disagree with him?

10 A. (The Witness) Can I have the
11 question, please?

12 INTERPRETER AL-HALABI: The
13 witness asked to repeat the
14 question.

15 THE WITNESS: I don't know.

16 BY MR. KRY:

17 Q. Do you know whether Mr.
18 Khan, as the director of Dallah Avco's
19 manpower services, would be knowledgeable
20 about that topic?

21 A. I don't know.

22 MR. KRY: If we could turn
23 to Page DA 462 of this exhibit.

24 BY MR. KRY:

1 Q. This is the April 2000 pay
2 slip.

3 A. (The Witness) Time to pray
4 now.

5 MR. KRY: How long do you
6 need?

7 THE WITNESS: (The Witness)
8 Just ten minutes.

9 MR. KRY: Okay. We'll take
10 a ten-minute break.

11 VIDEO TECHNICIAN: We're
12 going to go off the record, 12:30
13 p.m.

14 - - -

15 (Whereupon, a brief recess
16 was taken.)

17 - - -

18 VIDEO TECHNICIAN: We're
19 back on the record at 12:41 p.m.

20 BY MR. KRY:

21 Q. We were looking at
22 Exhibit -- Khan Exhibit-103. And we've
23 now gone to your April 2000 pay slip.

24 And if you'll look at this

1 pay slip, the amount of the other
2 allowance increases substantially.
3 You'll recall in the earlier pay slip it
4 was 1,742 riyals per month and now on
5 this pay slip it's gone up to 14,271
6 riyals.

7 Do you recall that around
8 April 2000 you began receiving
9 significantly larger other allowances in
10 connection with your ANSS employee
11 compensation?

12 A. Yes. Yes, I see the
13 difference.

14 But like I mentioned before,
15 this is something that I deserve. Maybe
16 they weren't able to adjust the basic
17 salary, but they adjusted other
18 allowance.

19 It was -- my salary was
20 supposed to increase. It was supposed to
21 be over 25. But it was 24-something.

22 Q. And so did this increase in
23 your other allowances happen around the
24 time that you were complaining to Airways

1 Engineering about your salary level
2 compared to Alp Karli's salary level?

3 A. No. As far as Alp Karli,
4 may God give him more, that's a different
5 subject.

6 But when someone with a high
7 degree, Master's, for example, or
8 something similar from America, it's
9 supposed -- he's supposed to get higher
10 salary. But I didn't mean to compare
11 myself with Alp Karli.

12 Q. Fair enough.

13 Did the increase in the
14 other allowances happen around the time
15 you raised concerns with Airways
16 Engineering that you weren't getting the
17 salary you should in light of your
18 educational experience and your expenses
19 in the United States?

20 A. My educational experience
21 and my previous work experiences, yes.

22 MR. KRY: If we can scroll
23 down a few more pages to the July
24 pay slip.

1 BY MR. KRY:

2 Q. You see that one also has an
3 other allowance of 14,271 riyals?

4 A. Yes, I see it.

5 And I would like to add to
6 that, that during that time period I was
7 paying for my studies from my salary.

8 Q. So was this other allowance
9 intended to fund your education and
10 living expenses while you were on your
11 educational leave in the United States?

12 MR. SHEN: Robert, did you
13 say United States?

14 MR. KRY: Yes. I was going
15 to --

16 MR. SHEN: All right. Go
17 ahead.

18 MR. KRY: So strike it.

19 BY MR. KRY:

20 Q. Was this other allowance
21 intended to fund your education and
22 living expenses while you were on your
23 educational leave outside the Kingdom?

24 MR. CARTER: Objection.

1 Foundation.

2 THE WITNESS: Yes, yes.

3 BY MR. KRY:

4 Q. So I will represent to you
5 that under the exchange rate at the time,
6 14,271 Saudi riyals was equivalent to
7 just under 4,000 U.S. dollars per month.

8 Do you recall earlier we saw
9 a financial support letter from Ercan in
10 which Ercan claimed that during your
11 secondment they would provide financial
12 support for you for educational expenses
13 in the amount of \$4,000 per month?

14 A. Yes. But Ercan didn't pay
15 anything for me, but filed -- or gave the
16 application to the university.

17 But when I complained, I
18 said it should be adjusted, my position
19 should be adjusted, they added the
20 allowance.

21 Q. And do you recall those
22 Ercan letters stated that Ercan was only
23 going to be paying that financial support
24 until the year 2000?

1 A. Yes. They said that. But
2 that didn't happen. It was only done so
3 I get accepted at the university.

4 Q. So would you agree that the
5 amount of the other allowances you began
6 receiving through the ANSS payroll was
7 similar in amount to the funds that had
8 formally been promised to you, whether or
9 not paid, by one of the project
10 subcontractors?

11 A. I think so. There was a
12 long time that I didn't get paid. So
13 they started to complete the amount. It
14 is possible.

15 Q. And was the reason Airways
16 Engineering began paying you these other
17 allowances in the spring of 2000 to
18 provide an additional educational stipend
19 to cover your education and living
20 expenses during your educational leave?

21 MR. HAEFELE: Foundation.

22 THE WITNESS: I don't know
23 exactly. I don't know exactly.

24 BY MR. KRY:

1 Q. Did you spend these funds on
2 your education and living expenses during
3 your educational leave?

4 A. Yes, yes.

5 Q. Did you ever spend these
6 other allowances on any illegal
7 activities?

8 A. No.

9 Q. When you received these
10 other allowances from Airways
11 Engineering, was it your understanding
12 that they expected you would use the
13 funds to pay your education and living
14 expenses?

15 A. Yes.

16 Q. And when you complained to
17 Airways Engineering about your salary
18 being too low, was one of the points you
19 made that you had significant education
20 and living expenses out of the Kingdom
21 and that you needed funds to pay for
22 those?

23 A. Yes. There was an important
24 point that the basic salary was not

1 Q. Did you ever understand that
2 the salary and allowances you received as
3 an ANSS employee were some sort of reward
4 for assisting terrorists in the United
5 States?

6 A. No.

7 Q. What was the reason that you
8 were in the United States?

9 MR. HAEFELE: Foundation.

10 THE WITNESS: Education.

11 BY MR. KRY:

12 Q. And can you think of any
13 reason at all that anyone at Dallah Avco
14 should have anticipated that you would
15 briefly interact with two Saudis who
16 would go on, a year and-a-half later, to
17 be 9/11 hijackers?

18 MR. HAEFELE: Form and
19 foundation.

20 THE WITNESS: I would not
21 even believe it, to start with.

22 MR. KRY: Thank you, Mr.
23 Bayoumi. Those are all the
24 questions I have for you now.

1 MR. SHEN: Mr. Bayoumi, I
2 have some questions for you.

3 Do you want to take a break
4 before we start or are you ready
5 to go?

6 THE WITNESS: (The Witness)
7 Ready to go, but then --

8 (Through Interpreter) I can
9 carry on, and in half an hour I
10 will need a break for prayer.

11 MR. SHEN: Just let us know.

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. SHEN:

16 Q. For the record, this is Andy
17 Shen, counsel for Saudi Arabia. I have a
18 few questions for you this afternoon.

19 First, thank you, Mr.
20 Bayoumi, for volunteering to appear here
21 for your deposition.

22 The plaintiffs in this civil
23 case have made the incredibly serious
24 allegations that senior Saudi officials

1 instructed you to assist the 9/11
2 hijackers and that you instructed others
3 to assist the 9/11 hijackers all in
4 furtherance of their terrorist plot.

5 And although Mr. Pounian has
6 spent three days asking you questions, he
7 never asked you specific questions about
8 those central allegations.

9 So let me ask you these
10 questions.

11 MR. CARTER: Objection to
12 form.

13 BY MR. SHEN:

14 Q. Did anyone in the Saudi
15 government ever give you any instructions
16 to assist Khalid al-Mihdhar or Nawaf
17 al-Hazmi in any way?

18 A. No. And I would not have
19 accepted such.

20 Q. Did anyone in the Saudi
21 government ever give you instructions to
22 assist any of the 9/11 hijackers?

23 A. No.

24 Q. Did you ever have

1 discussions with anyone in the Saudi
2 Embassy in Washington, D.C., about Khalid
3 al-Mihdhar or Nawaf al-Hazmi?

4 A. No.

5 Q. Did you ever have
6 discussions with anyone in the Saudi
7 Embassy in Washington, D.C., about any of
8 the 9/11 hijackers?

9 A. No.

10 Q. Have you had any discussions
11 with anyone who worked in the Los Angeles
12 Consulate about any of the 9/11
13 hijackers, including Khalid al-Mihdhar or
14 Nawaf al-Hazmi?

15 A. No.

16 Q. Have you ever had
17 discussions with anyone -- strike that.

18 Have you ever had
19 discussions with Fahad al-Thumairy about
20 Nawaf al-Hazmi or Khalid al-Mihdhar?

21 A. No.

22 Q. Have you ever discussed any
23 of the 9/11 hijackers with Fahad
24 al-Thumairy?

1 A. No.

2 Q. Did you ever instruct
3 anybody else to assist any of the 9/11
4 hijackers, including Khalid al-Mihdhar or
5 Nawaf al-Hazmi?

6 A. No.

7 Q. Did you have any knowledge
8 whatsoever, prior to the 9/11 attacks,
9 that Khalid al-Mihdhar or Nawaf al-Hazmi
10 were planning to commit terrorist attacks
11 against the United States?

12 A. No.

13 Q. Did you have any suspicions
14 that Khalid al-Mihdhar and Nawaf al-Hazmi
15 were planning to commit terrorist attacks
16 in the United States?

17 A. No.

18 Q. Plaintiffs have made
19 allegations to the court that you were a
20 Saudi intelligence officer.

21 Is there any truth
22 whatsoever to that allegation?

23 A. Not at all.

24 Q. Have you ever been a Saudi

1 intelligence officer?

2 A. No. No, never.

3 Q. Have you ever served as an
4 agent for any Saudi law enforcement
5 agency?

6 A. No.

7 Q. Have you ever had an
8 assignment for the Ministry of Interior?

9 A. No.

10 Q. Have you ever had any
11 assignment for any Saudi intelligence or
12 law enforcement agency?

13 A. No.

14 Q. Now, Mr. Pounian asked you
15 questions about meeting Khalid al-Mihdhar
16 and Nawaf al-Hazmi for the first time in
17 early 2000 in a restaurant in Los
18 Angeles.

19 Did you plan to meet
20 Mr. al-Mihdhar and Mr. al-Hazmi at this
21 restaurant in advance?

22 A. No, not at all.

23 Q. Was it a coincidence that
24 you met them at this restaurant?

1 A. Yes.

2 Q. Did anyone instruct you to
3 meet them at this restaurant in Los
4 Angeles?

5 A. No.

6 Q. Did anyone instruct you to
7 go to this restaurant at all?

8 A. No.

9 Q. Did you ever discuss this
10 meeting with Fahad al-Thumairy?

11 A. No.

12 Q. Did you ever discuss this
13 meeting with anyone working for the Saudi
14 Embassy, the Saudi Consulate or the Saudi
15 government?

16 A. No.

17 Q. Now, in your testimony over
18 the last two days, you said that your
19 encounter with Mr. Hazmi and Mr. Mihdhar
20 at this restaurant was very short.

21 Do you recall that?

22 A. Yes.

23 Q. And during this very short
24 encounter, did you offer to help these

1 two individuals in any way?

2 A. No.

3 Q. During this short encounter,
4 did you invite Mr. Mihdhar or Mr. Hazmi
5 to travel to San Diego?

6 MR. POUNIAN: I'd like to
7 raise an objection here. I object
8 to the leading nature of these
9 questions, Andy. I think that
10 with a witness of this nature, you
11 have to ask him questions about
12 what he said and what was said to
13 him.

14 MR. SHEN: That is not --

15 MR. POUNIAN: And I think
16 it's improper for you to be asking
17 him yes-and-no questions
18 regarding --

19 MR. SHEN: Your objection is
20 noted.

21 MR. POUNIAN: -- his
22 conversations.

23 MR. SHEN: Your objection is
24 noted.

1 MR. POUNIAN: No, I want to
2 make it clear for the record.
3 Because with the nature of this
4 witness and the fact that you
5 are -- that he's essentially in
6 your corner, I think it's improper
7 for you to be questioning him in a
8 leading fashion at this point.

9 MR. SHEN: Okay. None of
10 these questions are leading in any
11 way.

12 MR. POUNIAN: Well, the
13 questions you were just asking now
14 are leading, about the
15 conversations he was having with
16 Nawaf and Khalid at the
17 restaurant.

18 And you can simply ask him
19 what he talked to them about
20 rather than asking him questions
21 that lead to yes-or-no answers.

22 BY MR. SHEN:

23 Q. Mr. Bayoumi, did you drive
24 Khalid al-Mihdhar and Nawaf al-Hazmi to

1 San Diego?

2 A. No.

3 Q. Do you know how they
4 traveled from Los Angeles to San Diego?

5 A. No.

6 Q. Did you ever drive Nawaf
7 al-Hazmi or Khalid al-Mihdhar anywhere?

8 A. No.

9 Q. Now, you testified, in
10 response to Mr. Pounian's questions, that
11 the first time you saw Nawaf al-Hazmi and
12 Khalid al-Mihdhar in San Diego was at the
13 mosque, the ICSD.

14 Had you made plans
15 beforehand to see Khalid al-Mihdhar and
16 Nawaf al-Hazmi at that mosque in San
17 Diego?

18 A. No.

19 Q. Had either individual
20 contacted you and said they were going to
21 be at that mosque in San Diego or that
22 they were coming down to San Diego?

23 A. No.

24 Q. Had anyone told you in

1 advance that Khalid al-Mihdhar and Nawaf
2 al-Hazmi were going to be traveling from
3 Los Angeles to come to San Diego?

4 A. Nobody.

5 MR. SHEN: Chris, can we
6 have 139 in the exhibit share,
7 please. And this will be
8 Exhibit-736.

9 Actually, we need to go on
10 the FBI record, please.

11 MS. PRITSKER: DIB counsel
12 is now being excluded from the
13 deposition.

14 - - -

15 (FBI Protected Material.)

16 - - -

17 (Whereupon, Exhibit
18 al-Bayoumi-736, No Bates, 10/23/03
19 Letter, was marked for
20 identification.)

21 - - -

22 (Whereupon, a discussion off
23 the record occurred.)

24 - - -

1 MR. SHEN: This particular
2 document -- this particular
3 document, because it's an FBI
4 document, should not be posted.

5 VIDEO TECHNICIAN: All set,
6 Andy.

7 MR. SHEN: Are we good?

8 VIDEO TECHNICIAN: Yes.

9 MR. SHEN: All right.

10 So I'm going to ask my
11 colleague, Chris, to show you a
12 document on his computer. We're
13 going to mark this as Exhibit-736.

14 MR. YOUNG: Andy, you said
15 131?

16 MR. SHEN: Tab 139. The
17 document you uploaded, which
18 afterwards you should take down.

19 MR. YOUNG: Yes, it's
20 deleted.

21 MR. HAEFELE: For the rest
22 of us, do we get a hint as to what
23 it is you're showing him?

24 MR. SHEN: And if we can

1 scroll down and read off the Bates
2 number, please.

3 MR. POUNIAN: I don't see a
4 Bates number.

5 BY MR. SHEN:

6 Q. This is a version of the
7 document that plaintiffs had showed
8 earlier, it reflects the application to
9 rent an apartment at Parkwood Apartments
10 complex.

11 MR. SHEN: If we can show
12 the document, please. And if we
13 could look very quickly at
14 internal Page 4 and Page 5, which
15 is the application to rent.

16 MR. HAEFELE: For the
17 record, Andy, I'm still not seeing
18 any Bates number that directs us
19 to where we can pull it up so we
20 can see it.

21 MR. POUNIAN: Is this any
22 different than the exhibit that
23 was put in?

24 MR. SHEN: I don't think --

1 I don't think it's different.
2 It's just our version of it, and I
3 don't have yours.

4 MR. POUNIAN: I'm seeing --
5 I'm seeing -- there's wording
6 added on to this document.

7 MR. SHEN: We'll send over a
8 copy of this. But this is the, as
9 I understand it, the same document
10 that was shown before.

11 MR. SHEN: If you could show
12 Page 5, please.

13 BY MR. SHEN:

14 Q. And, sir, Mr. Bayoumi, do
15 you recall that Mr. Pounian asked you
16 questions about an application for an
17 apartment for Khalid al-Mihdhar and Nawaf
18 al-Hazmi?

19 A. Yes.

20 Q. And, sir, why did you refer
21 Mr. Mihdhar and Mr. Hazmi to this
22 apartment complex?

23 A. There was an empty
24 apartment, and they wanted to rent it.

1 Q. And, sir, if you refer
2 somebody to the apartment complex, is
3 there any compensation that you would
4 receive?

5 A. Yes, from the manager. She
6 would give me \$100, \$200.

7 Q. And, sir, is that one of the
8 reasons why you referred Mr. Mihdhar and
9 Mr. Hazmi to this apartment?

10 A. It was a chance, or an
11 opportunity, if there was an available
12 apartment. And I told them there was an
13 available apartment.

14 Q. And did you collect a
15 referral fee for referring these
16 individuals to this apartment?

17 A. From the manager? Yes.

18 Q. Sir, if we scroll down a
19 little bit further in this page, you'll
20 see that the date of this document is
21 signed February 4th, 2000.

22 Do you see that?

23 A. Yes.

24 Q. And, Mr. Bayoumi, do you

1 recall being asked by Mr. Pounian whether
2 you wrote a cashier's check in connection
3 with the application for this apartment?

4 A. Yes.

5 MR. SHEN: Can we pull up,
6 please, the next exhibit?

7 Amanda, what's the number?
8 736?

9 COURT REPORTER: 737.

10 MR. SHEN: 737. Thank you.

11 - - -

12 (Whereupon, Exhibit
13 al-Bayoumi-737, FBI 2808, was
14 marked for identification.)

15 - - -

16 MR. SHEN: The next exhibit
17 will be FBI 2808.

18 Chris, can you share it on
19 your screen at 114?

20 BY MR. SHEN:

21 Q. Sir, Exhibit-737 is a Bank
22 of America statement from your account.

23 Do you see that?

24 A. Yes.

1 Q. And it's dated January 25th
2 through February 22nd of 2000.

3 Do you see that?

4 A. Yes.

5 Q. And if we scroll down,
6 there's a list of deposits and checks
7 paid. And there's an indication that
8 there's a deposit on February 4th of
9 \$1,558. And there's an indication on
10 that same date, February 4th, of a check
11 written out to the same amount, \$1,558.

12 And, Mr. Bayoumi, can you
13 explain what this record reflects?

14 A. Simply the manager asked for
15 a check in the amount. I was going to
16 the university that day. She said, sign
17 these papers, they have to pay the rent
18 with a check.

19 (The Witness) I signed the
20 papers for rent, and I went with them to
21 the bank. I told them to -- you have to
22 open -- you have to pay by check. I'm
23 sorry.

24 (Through Interpreter) I'm

1 sorry. I told them that you have to pay
2 with a check.

3 And then the bank teller
4 told us you can't issue a check unless
5 you open an account. And if you open an
6 account, it's going to require 24 hours
7 for it to be active.

8 And after that said, of
9 course there's another way, that since
10 you have an account with us, you can pay
11 with a check from your account, and
12 then -- and they will make a deposit. So
13 they made a deposit first, then the check
14 went out.

15 Q. That was at the same time,
16 sir?

17 A. Yes.

18 Q. Did you ever give Khalid
19 al-Mihdhar and Nawaf al-Hazmi any money?

20 A. No, not at all.

21 Q. Did you ever pay for any of
22 their expenses?

23 A. No, not at all.

24 Q. Now, you testified, in

1 response to Mr. Pounian's questioning,
2 that when you first arrived in
3 California, someone in the community
4 assisted you in finding housing; is that
5 correct?

6 A. Yes.

7 Q. Go ahead, sir.

8 A. (In English) Go ahead for
9 translation.

10 (The Interpreter) Yes.

11 Because it's required to anyone who lives
12 in America, to bring someone to guarantee
13 with him or cosign. So when one would
14 come to the mosque, they would all cosign
15 with them.

16 An American person came with
17 me from the mosque. So we went and
18 rented an apartment. I didn't know him,
19 he didn't know me. We met at the mosque,
20 I told them I need an apartment, so we
21 looked for -- we looked for an
22 apartment -- apartment complexes until we
23 found this apartment, and I lived there.

24 Q. Mr. Bayoumi, is it typical

1 or atypical, in the Islamic community, to
2 assist newcomers to that community even
3 if they are strangers?

4 MR. CARTER: Objection.

5 THE WITNESS: Yes. Like, if
6 you go to the community, for
7 example, and ask for someone to
8 cosign with you or something, to
9 rent an apartment, at least ten
10 people would help you without
11 hesitation.

12 BY MR. SHEN:

13 Q. Would that be the case even
14 if you were a stranger?

15 A. Yes. There was no worries
16 or doubt about anything. Always,
17 whenever a student or somebody would need
18 somebody to cosign with him, that a
19 student is coming to America -- or came
20 new to America, is going to need help, is
21 going to need someone to cosign with him.
22 I don't know anybody who is going to help
23 me. I need -- there must be somebody to
24 cosign.

1 Q. Now, sir, we saw from the
2 prior document that the date of the
3 rental application was February 4th of
4 2000.

5 Do you recall that?

6 A. Yes, I saw it on the screen,
7 yes.

8 MR. SHEN: All right. We
9 can go off the FBI record, please.

10 - - -

11 (End of FBI Protected
12 Material.)

13 - - -

14 VIDEO TECHNICIAN: Okay. I
15 let everyone back in.

16 BY MR. SHEN:

17 Q. Mr. Bayoumi, after the date
18 of the document that we just looked at,
19 you testified, in response to Mr.
20 Pounian's questions, that you traveled to
21 Washington, D.C.?

22 MS. PRITSKER: I apologize.

23 DIB counsel was excluded from the
24 deposition at approximately 1:34

1 p.m. Eastern and has now been
2 allowed to join. Thank you.

3 BY MR. SHEN:

4 Q. After the date of the
5 document we looked at, you testified, in
6 response to Mr. Pounian's questions, that
7 you traveled to Washington, D.C.; is that
8 correct?

9 A. Yes, that's correct. I
10 traveled to Washington. But I don't
11 remember the exact dates.

12 Q. And approximately how long
13 after that application was filled out did
14 you travel to Washington, D.C., just
15 approximately?

16 A. I don't remember
17 specifically how long. But I took two
18 courses there, at the Watergate building
19 at Washington University. I don't
20 remember the exact date.

21 Q. Okay. Was it a -- was it a
22 matter of weeks after you went to the
23 apartment complex with Khalid and Nawaf?
24 Was it a month later? Approximately how

1 long afterwards?

2 A. I can't say a date
3 specifically. But I don't remember.

4 Q. Okay. And how long did you
5 stay in Washington, D.C., for during this
6 visit?

7 A. I don't remember. Ten to 15
8 days. It was about 10 to 15 days. I
9 don't remember exactly, because it was a
10 long time ago.

11 Q. And did you testify that
12 during that trip you took courses at
13 George Washington University?

14 A. Yes.

15 Q. All right.

16 A. And I got a certificate from
17 there, too.

18 Q. And just focusing on the
19 time period between the time when Khalid
20 al-Mihdhar and Nawaf al-Hazmi first
21 arrived in San Diego to the time period
22 when you left for Washington, D.C., can
23 you describe whether you had frequent
24 interactions with them?

1 A. No, there was no
2 interactions with them at all. If there
3 is anything, it would be Salam Alaikum,
4 and I would answer Alaikum Salam.

5 Q. Now, aside from referring
6 Nawaf al-Hazmi and Khalid al-Mihdhar to
7 the apartment where you lived, the
8 apartment complex where you lived, did
9 you assist them in any way?

10 A. No.

11 Q. Did you ever assist them in
12 signing up for any courses in the United
13 States?

14 A. No.

15 Q. Did you ever assist them in
16 finding flight schools in the United
17 States?

18 A. No.

19 Q. Did you even know that they
20 were looking for flight schools in the
21 United States?

22 A. No.

23 Q. Did you instruct anyone else
24 in the community to assist them in any

1 way?

2 A. No.

3 Q. Now, when you were in
4 Washington, D.C., and you testified that
5 you were taking courses at George
6 Washington University, did you have any
7 conversations at all with Khalid
8 al-Mihdhar or Nawaf al-Hazmi during that
9 time period when you were in Washington,
10 D.C.?

11 A. No.

12 Q. During that time period when
13 you were in Washington, D.C., did you
14 have conversations with anyone about
15 Khalid al-Mihdhar and Nawaf al-Hazmi?

16 A. No.

17 Q. And during that trip to
18 Washington, D.C., did you give any
19 instructions to anyone else to assist
20 Khalid al-Mihdhar and Nawaf al-Hazmi?

21 A. No.

22 Q. And you testified that you
23 stayed in Washington, D.C., for 10 to 15
24 days; is that right?

1 A. Yes.

2 Q. And after that did you
3 arrive back in San Diego?

4 A. Yes.

5 MR. SHEN: All right. Let's
6 show the next exhibit, it's going
7 to be Exhibit-787.

8 Chris, can you put this
9 exhibit in the exhibit share.
10 It's going to be Tab 388.

11 MR. KRY: Sorry, Andy, what
12 exhibit are you using? I'm not
13 sure --

14 MR. YOUNG: I think it's
15 going to be 738.

16 MR. SHEN: I'm sorry, what
17 did I say?

18 - - -

19 (Whereupon, Exhibit
20 al-Bayoumi-738, KSA0000006464,
21 Ministry of Interior, Entrance and
22 Exit Information, was marked for
23 identification.)

24 - - -

1 MR. YOUNG: The exhibit has
2 been introduced.

3 MR. SHEN: 738, thank you.

4 BY MR. SHEN:

5 Q. Exhibit-738 is a document,
6 KSA 6464. I'm going to represent to you
7 that this is information from the
8 Ministry of Interior setting out your
9 entry and exit information to and from
10 the Kingdom.

11 And on the left-hand side of
12 the screen, the third row from the
13 bottom, there is an entry which says that
14 you entered the Kingdom of Saudi Arabia
15 from the United States the 12th month,
16 25th day, 1420.

17 Do you see that?

18 MR. SHEN: Chris, if you can
19 just scroll to the left and expand
20 the document a little bit.

21 BY MR. SHEN:

22 Q. Sir, do you see the entry
23 date into the Kingdom of Saudi Arabia
24 from the United States? The 12th month,

1 25th day, 1420?

2 A. Yes, yes.

3 Q. And I will represent to you
4 that that corresponds to a Gregorian date
5 of March 31st of 2000.

6 And, sir, this document
7 indicates that you traveled to Saudi
8 Arabia and entered the country on March
9 31st of 2000.

10 And, sir, focusing on the
11 time period after you came back to San
12 Diego from your trip to Washington, D.C.,
13 until March 31st, 2000, when you traveled
14 to Saudi Arabia, did you have any
15 interactions with Khalid al-Mihdhar or
16 Nawaf al-Hazmi?

17 A. No.

18 Q. During this time period, did
19 you assist them in any way?

20 A. No.

21 Q. Did you instruct anybody to
22 assist them in any way?

23 A. No.

24 Q. This entry/exit information

1 indicates that you left the Kingdom of
2 Saudi Arabia on the 2nd month, 27th day
3 of 1421 for the United Kingdom.

4 Do you see that?

5 A. What day?

6 Q. The second month, 27th day
7 of 1421.

8 It's the second-to-last row
9 on the right-hand side.

10 A. Yes, yes.

11 Q. And that date corresponds to
12 a Gregorian date of May 31st of 2000.

13 What were you doing in Saudi
14 Arabia between March 31st of 2000, and
15 May 31st of 2000?

16 A. I went back to my work
17 headquarters.

18 Q. And during that two-month
19 time period when you were in Saudi
20 Arabia, did you speak with Khalid
21 al-Mihdhar and Nawaf al-Hazmi?

22 A. No.

23 Q. During that two-month time
24 period when you were in Saudi Arabia, did

1 you have any conversations with anybody
2 about Nawaf al-Hazmi or Khalid
3 al-Mihdhar?

4 A. No.

5 Q. During that time period, did
6 you assist anyone -- strike that.

7 Did you instruct anyone to
8 assist Khalid al-Mihdhar and Nawaf
9 al-Hazmi?

10 A. No.

11 MR. SHEN: Let's introduce
12 the next exhibit, Exhibit-739.

13 Chris, this is our internal
14 Tab 1. Bates number is KSA 8001.

15 - - -

16 (Whereupon, Exhibit
17 al-Bayoumi-739,
18 KSA0000007996-8020, Passport
19 Documentation, was marked for
20 identification.)

21 - - -

22 MR. YOUNG: The exhibit has
23 been introduced.

24 MR. SHEN: Can I ask the

1 technician to share the screen,
2 739, please.

3 Is the technician on?

4 MR. YOUNG: Andy, I can
5 share.

6 MS. INT-HOUT: Do you mean
7 the trial tech or the video tech?
8 Sorry.

9 MR. SHEN: Whoever was
10 sharing their screen before, the
11 trial tech.

12 MS. INT-HOUT: That would be
13 me. Hold on one moment.

14 MR. SHEN: And just for the
15 record, the first Bates stamp of
16 this document is KSA 7996.

17 BY MR. SHEN:

18 Q. Sir, do you recognize this
19 document?

20 A. Yes.

21 Q. What is this document?

22 A. A passport.

23 MR. SHEN: If we could
24 scroll to KSA 8001, please. Thank

1 you.

2 BY MR. SHEN:

3 Q. And your passport on this
4 particular page contains a number of
5 entry stamps.

6 Do you see that?

7 A. Yes.

8 MR. SHEN: And if we could
9 highlight in the middle of the
10 page, it's upside down, but it
11 says there's an entry into the
12 United States of July 1, 2000.
13 It's right at the fold of the
14 passport in the middle. To the
15 right. Right there.

16 BY MR. SHEN:

17 Q. And, sir, did you stay in
18 the United Kingdom from May 31st until
19 approximately July 1st of 2000, when you
20 returned to the United States?

21 A. Yes.

22 Q. And what were you doing in
23 the United Kingdom during this time
24 period?

1 A. I was preparing for starting
2 my doctorate degree project.

3 Q. And at what university was
4 that?

5 A. Aston University.

6 Q. And during this one-month
7 period when you were in the United
8 Kingdom, did you have any conversations
9 with Khalid al-Mihdhar and Nawaf
10 al-Hazmi?

11 A. No.

12 Q. Did you speak with anybody
13 else about Nawaf al-Hazmi or Khalid
14 al-Mihdhar?

15 A. No.

16 Q. Did you instruct anyone else
17 to assist Khalid al-Mihdhar and Nawaf
18 al-Hazmi during this time period?

19 A. No.

20 MR. SHEN: Can the tech go
21 to Page KSA 8000, please?

22 BY MR. SHEN:

23 Q. And, sir, do you see there's
24 a number of entry/exit stamps on this

1 page?

2 A. Yes.

3 Q. And on the top side of this
4 page, it's upside down right now, there's
5 an entry stamp into the United Kingdom of
6 October 9th of 2000.

7 Now at the bottom of the
8 page in the middle.

9 A. Yes.

10 Q. Now, after you left the
11 United Kingdom in -- on July 1st of 2000,
12 did you come back to California?

13 A. Yes.

14 Q. And did you stay in the
15 United States until you left again for
16 the United Kingdom on October 9th of
17 2000?

18 A. Yes.

19 Q. In focusing on that time
20 period between July 1st of 2000 and
21 October 9th of 2000, when you left for
22 the UK once again, did you have any
23 interactions whatsoever with Khalid
24 al-Mihdhar and Nawaf al-Hazmi?

1 A. No.

2 Q. During that time period,
3 were Khalid al-Mihdhar and Nawaf al-Hazmi
4 still living in the same apartment
5 complex as you?

6 A. No.

7 Q. Do you know where they
8 lived?

9 A. No.

10 Q. Do you know if they had a
11 job?

12 A. I don't know.

13 Q. Do you know if they went to
14 school?

15 A. I didn't know, no.

16 Q. Do you know who their
17 friends or associates were?

18 A. No.

19 Q. Do you know when Khalid
20 al-Mihdhar or Nawaf al-Hazmi left
21 California?

22 A. No.

23 There is one thing I'd like
24 to say. Will you allow me?

1 Q. Yes, please.

2 A. Khalid and Nawaf tended to
3 avoid me. Why? Because they tended to
4 joke with one another physically, using
5 hands, in the presence of my children.
6 And I warned my children not to mix with
7 them because of that bad behavior.

8 From that day on, they took
9 the position of avoiding me. Even if
10 they see me, they wouldn't approach me.
11 I just wanted to clarify that point.

12 Q. Sir, when Khalid al-Mihdhar
13 and Nawaf al-Hazmi left California, do
14 you know where they went?

15 A. (The Witness) No.

16 (Through Interpreter) No.

17 Q. Now, during the time period
18 when you were back in the United States
19 from July 1st of 2000, to October 9th of
20 2000, did you have conversations with
21 anyone else about Khalid al-Mihdhar and
22 Nawaf al-Hazmi?

23 A. No.

24 Q. Did you instruct anyone else

1 to assist them?

2 A. No.

3 Q. Now, your passport indicates
4 that you arrived in the United Kingdom on
5 October 9th of 2000.

6 Why did you go to the United
7 Kingdom on October 9th of 2000?

8 A. To pursue my doctorate
9 studies.

10 Q. And at that point had you
11 moved from the United States to the
12 United Kingdom?

13 A. Yes. However, my family was
14 still in San Diego.

15 Q. Well, after you moved from
16 the United States to the United Kingdom,
17 did you have any additional discussions
18 with Khalid al-Mihdhar or Nawaf al-Hazmi?

19 A. No.

20 Q. Did you assist them in any
21 way?

22 A. No.

23 Q. Did you instruct anyone else
24 to assist them in any way?

1 A. No.

2 Q. Sir, do you need to take a
3 break to pray?

4 A. (The Witness) Time to pray
5 now.

6 (Through Interpreter) Yes,
7 time to pray now.

8 MR. SHEN: Fifteen minutes,
9 please.

10 MR. CARTER: Andy, just for
11 planning purposes, how much more
12 do you expect to have?

13 Andy into space?

14 MR. SHEN: Probably less
15 than an hour.

16 MR. CARTER: Okay. Thanks.

17 VIDEO TECHNICIAN: We're
18 going to go off the record, 2:20
19 p.m.

20 - - -

21 (Whereupon, a brief recess
22 was taken.)

23 - - -

24 VIDEO TECHNICIAN: We're back

1 on the record at 2:36 p.m.

2 MR. SHEN: We've marked as
3 the next exhibit, Exhibit-740, a
4 document with the Bates stamp KSA
5 712.

6 If the technician can put
7 that document in front of the
8 witness, please.

9 - - -

10 (Whereupon, Exhibit
11 al-Bayoumi-740, KSA0000000712,
12 6/25/95 Letter, was marked for
13 identification.)

14 - - -

15 MS. INT-HOUT: I'm
16 downloading it now. Give me a
17 moment.

18 MR. SHEN: Thank you.

19 BY MR. SHEN:

20 Q. And, sir, this is a document
21 from the first month, 26th day, of 1416,
22 pertaining to an assignment of you to,
23 quote, Work for the Dallah Avco company
24 for one year, renewable thereafter.

1 at the first paragraph of the letter --
2 pursuant to the principles of cooperation
3 between public and private sectors to
4 advance national companies and
5 organizations.

6 Do you see that language?

7 A. Yes.

8 Q. And, sir, to your knowledge,
9 were other government employees seconded
10 to private companies to pursue their
11 education?

12 MR. CARTER: Objection to
13 foundation.

14 THE WITNESS: Yes.

15 BY MR. SHEN:

16 Q. And was this a common or
17 uncommon practice?

18 MR. CARTER: Objection.

19 THE WITNESS: Yes.

20 BY MR. SHEN:

21 Q. So the question was, was it
22 a common or uncommon practice?

23 A. Yes, it was common practice.
24 And the Saudization program was in

1 progress.

2 Q. And, sir, is -- the
3 Saudization program, is that a government
4 program?

5 A. Yes, it's a government
6 program which is assigned to companies to
7 perform -- or to carry out.

8 Q. And can you just describe
9 what the goals of the Saudization program
10 are and why students were sent to pursue
11 their education?

12 MR. CARTER: Objection.

13 THE WITNESS: The
14 Saudization program is, simply
15 put, in some programs the
16 percentage of foreign --

17 (The Witness) Some projects.

18 (Through Interpreter) Some
19 projects the percentage of
20 foreigners is as high as 80 or 90
21 percent. So, hence, came the
22 Saudization program, which would
23 entail that Saudi nationals would
24 replace the foreign nationals.

1 However, a Saudi national
2 could not take a position like
3 that unless he obtains education,
4 training, English language.
5 That's why the Saudization program
6 came, which aims at making Saudi
7 nationals to replace foreign
8 nationals in jobs.

9 BY MR. SHEN:

10 Q. And, sir, why was it
11 important for Saudis that were part of
12 this program to receive an education?

13 A. In order for them to become
14 more efficient and skilled for their
15 future work.

16 Q. Now, sir, the plaintiffs in
17 this case have alleged that while you
18 were in San Diego, you never went to
19 class and that you were not a full-time
20 student.

21 Are those allegations
22 accurate?

23 MR. POUNIAN: Object to the
24 form.

1 THE WITNESS: No.

2 Inaccurate.

3 BY MR. SHEN:

4 Q. And, sir, while you were in
5 San Diego, were you a full-time student?

6 A. Yes, yes.

7 Q. Did you go to and complete
8 classes?

9 A. Yes.

10 Q. Did you earn certificates?

11 A. Yes.

12 Q. Did you earn degrees?

13 A. Yes.

14 Q. Now, the plaintiffs, and Mr.
15 Kry as well, have shown you a number of
16 documents from the educational
17 institutions that you attended.

18 While you attended those
19 educational institutions, were you a
20 full-time student?

21 A. Yes.

22 MR. SHEN: Chris, can we
23 load as Exhibit-741 the document
24 at Tab 80?

1 MR. KRY: While that's
2 loading, I wanted to note for
3 Exhibit-740, we had a slight
4 difference on the translation.

5 Our translation had employed
6 with rather than for. So we'll
7 just reserve any rights on the
8 translation.

9 MR. SHEN: Okay.

10 - - -

11 (Whereupon, Exhibit
12 al-Bayoumi-741,
13 KSA0000001837-1840, West Coast
14 University Transcript, was marked
15 for identification.)

16 - - -

17 MR. KRY: Sorry. It's work
18 with rather than work for.

19 MR. SHEN: The technician
20 can take this document down,
21 please, and -- when the next
22 document is loaded.

23 MR. YOUNG: The exhibit has
24 been introduced.

1 MR. SHEN: For the record,
2 this is a document KSA 1837, and
3 it is a transcript from West Coast
4 University.

5 BY MR. SHEN:

6 Q. And, sir, this is a
7 different version of the document that
8 you were shown earlier.

9 When you were attending West
10 Coast University, were you a full-time
11 student?

12 A. Yes.

13 Q. And does this document
14 indicate the courses you took and the
15 grades and credits that you earned?

16 A. Yes.

17 MR. SHEN: If we can scroll
18 down to the bottom, please, of the
19 third page.

20 BY MR. SHEN:

21 Q. Do you see that there is a
22 stamp on that document?

23 A. Yes.

24 Q. And, sir, what is this

1 stamp?

2 A. That's from the embassy.

3 Q. And why is it stamped from
4 the embassy?

5 A. Because when I go back to
6 the Saudi Arabia, they would only accept
7 a document that's certified from the
8 embassy.

9 Q. And, sir, what is the date
10 on this stamp?

11 A. 10/8/1999.

12 Q. Is that August 10th, 1999?

13 A. Yes.

14 Q. And in connection with
15 obtaining this stamp, did you communicate
16 with the embassy?

17 A. Yes.

18 (The Witness) I usually call
19 them.

20 (Through Interpreter) Yes, I
21 usually call them.

22 Q. So you would have phone
23 calls with the embassy in connection with
24 getting your transcripts certified?

1 A. Yes. And for my children
2 and for my wife.

3 MR. SHEN: Can we load as
4 the next exhibit, please,
5 Exhibit-742, our Tab 82. This is
6 KSA 908.

7 - - -

8 (Whereupon, Exhibit
9 al-Bayoumi-742, KSA0000000908,
10 United States International
11 University Transcript, was marked
12 for identification.)

13 - - -

14 MR. YOUNG: It's been
15 introduced.

16 MR. SHEN: And if the
17 technician could please load it.

18 BY MR. SHEN:

19 Q. And, sir, do you recognize
20 this document as a transcript from U.S.
21 International University?

22 A. Yes.

23 Q. And, sir, does this document
24 set out the courses that you took, the

1 credits that you earned and the grades
2 that you earned?

3 A. Yes.

4 Q. And there's an entry that
5 says, Fall quarter 1997, degree, Master's
6 of International Business Administration,
7 date, December 9th of '97.

8 Did you earn a Master's
9 Degree in International Business from
10 U.S. International University?

11 A. Yes. International project
12 management, yes.

13 Q. And if you look at the
14 bottom of the page, there's a stamp as
15 well.

16 Is that a stamp from the
17 embassy?

18 INTERPRETER MIKHAIL:

19 Business management. Not project.

20 Interpreter corrects.

21 International business management.

22 MR. SHEN: Thank you.

23 BY MR. SHEN:

24 Q. Is that a stamp from the

1 MR. SHEN: Chris, can we
2 load as the next exhibit,
3 Exhibit-745, KSA 741?

4 - - -

5 (Whereupon, Exhibit
6 al-Bayoumi-745, KSA0000000741, San
7 Diego Community College
8 Certificate, was marked for
9 identification.)

10 - - -

11 MR. YOUNG: It's been
12 introduced.

13 BY MR. SHEN:

14 Q. Sir, what we have on the
15 screen in front of you is another
16 certificate of completion for a course
17 called Introduction to Computers from the
18 San Diego Community College Clairemont
19 Center.

20 Do you see that?

21 A. (The Witness) Yes.

22 Q. And this is dated June 6th
23 of 1998.

24 And is this an example of

1 one of the many courses that you took at
2 the San Diego Community College?

3 A. Yes.

4 MR. SHEN: Can we show
5 Exhibit-681, please? And if we
6 can go to the Arabic version. The
7 next page, please.

8 BY MR. SHEN:

9 Q. Sir, this is an exhibit that
10 plaintiffs have shown you.

11 And does this list the
12 classes that you took at the George
13 Washington University?

14 MR. CARTER: Objection to
15 form.

16 BY MR. SHEN:

17 Q. Sir, does this list the
18 classes that you took and completed at
19 the George Washington University?

20 A. Yes.

21 Q. And at the bottom of the
22 page, there is a stamp.

23 Do you see that?

24 Is that a stamp from the

1 embassy as well?

2 A. Yes.

3 Q. And what is the date on this
4 stamp?

5 A. December 18, 1420.

6 MR. SHEN: And if we
7 could --

8 BY MR. SHEN:

9 Q. I'm sorry, did you say
10 December 18 or the 12th month?

11 INTERPRETER MIKHAIL: Pardon
12 me, yes. That's an error in
13 translation, thinking it was
14 Gregorian. He said the 12th
15 month, yes.

16 MR. SHEN: 12th month, 18
17 day, 1420, okay.

18 Can we go up to the top of
19 the document, please, the English
20 translation?

21 BY MR. SHEN:

22 Q. I will represent to you,
23 sir, that the Gregorian date that it
24 corresponds to is March 24th of 2000.

1 And, sir, did you
2 communicate with the embassy in
3 connection with receiving this stamp?

4 A. Yes.

5 Q. And did you communicate by
6 phone with the embassy in connection with
7 receiving this stamp?

8 A. Yes.

9 Q. And, sir, you testified, in
10 response to Mr. Pounian's questions, that
11 you had visited the embassy in person; is
12 that correct?

13 A. Yes.

14 Q. And did you visit the
15 embassy in person when you were in
16 Washington, D.C., taking courses at
17 George Washington University?

18 A. Yes.

19 Q. Was one of the -- why did
20 you go to the embassy when you were in
21 Washington, D.C., taking classes at
22 George Washington University?

23 A. To get the certificates
24 certified, the certificates of the kids

1 Q. And, sir, you testified that
2 you did not enter all of these names and
3 telephone numbers into the phone book; is
4 that correct?

5 A. That is correct.

6 Q. And if a name and telephone
7 number is entered into this phone book,
8 does that mean that you actually met that
9 person?

10 A. No.

11 Q. Does it mean that you
12 actually know that person?

13 A. No.

14 Q. Does it mean that you
15 actually talked to that person on the
16 phone?

17 A. No.

18 Q. Does it mean that the actual
19 phone number that's entered here is the
20 correct phone number for that particular
21 person?

22 A. So I started the Omar phone
23 book, but I did not -- I started the Omar
24 phone book, but I did not enter all the

1 data. I started it myself, it was
2 something for me, for myself.

3 And then it was at the
4 mosque. And then anybody who would have
5 names, there would be volunteers
6 inputting the data in the phone book.
7 Any time there's names or numbers on a
8 sheet of paper, the volunteers would
9 enter the information.

10 Even at a time there were my
11 account numbers entered by mistake,
12 because they found them and they entered
13 that information by mistake on the phone
14 book.

15 Q. And, sir, is it possible
16 that some of the telephone numbers that
17 are entered in for particular people may
18 be incorrect or have mistakes in them?

19 MR. CARTER: Objection to
20 form. And foundation.

21 THE WITNESS: Yes, it's
22 possible.

23 BY MR. SHEN:

24 Q. And did you do anything to

1 check to make sure that the telephone
2 numbers listed for particular individuals
3 were actually correct?

4 A. No, I do not have time to
5 review everything. No.

6 MR. SHEN: Can we look at
7 Exhibit-687, please?

8 BY MR. SHEN:

9 Q. Sir, this is a document that
10 Mr. Pounian showed you earlier in the
11 deposition.

12 It is a phone bill for the
13 number [REDACTED]-3142, where the bill was
14 sent to Omar al-Bayoumi d/b/a Masjid
15 Al-Madina.

16 Sir, is this your personal
17 phone number?

18 A. No. That's the mosque's.

19 Q. Why is your name listed on
20 the phone bill?

21 A. Because I'm responsible for
22 the masjid maintenance and the operation.

23 Q. And, sir, you testified that
24 there was a phone in your office that

1 this phone number was assigned to.

2 Was there any other phones
3 in the mosque that rang when somebody
4 called this phone number?

5 A. I had a telephone in my
6 office, and there was a telephone in
7 another office. But it's the same line.

8 Q. And who had access to the
9 phones that had this line?

10 A. Whoever needed the phone
11 would call.

12 Q. Sir, how often would you
13 visit the Mosque Al-Madina?

14 A. Sometimes once a month,
15 sometimes once a week, sometimes it's an
16 emergency. Only as needed.

17 Q. I mean, and you certainly
18 weren't there every day, correct?

19 A. No.

20 Q. And --

21 A. I was a volunteer. I would
22 go in my spare time.

23 Q. And, sir, because you
24 testified that you were there maybe once

1 a month or maybe once a week, is it a
2 true statement that the vast majority of
3 telephone calls that were made or
4 received from this phone line were made
5 or received by somebody other than you?

6 MR. CARTER: Objection.

7 Foundation.

8 THE WITNESS: Many students,
9 many people, many families would
10 call -- sometimes would use it to
11 call. Sometimes I'm not in the
12 building. Sometimes someone would
13 go in, make the phone call and
14 leave. It was available for
15 everybody.

16 BY MR. SHEN:

17 Q. And, sir, given all those
18 facts and the fact that you were only at
19 the Madina mosque once a week or once a
20 month, does it stand to reason that the
21 vast majority of calls were made by
22 somebody other than you?

23 MR. CARTER: Objection.

24 Form. And foundation.

1 Andy, I think you have to
2 speak about particular calls.
3 There's no evidence that there are
4 calls.

5 MR. SHEN: You can answer
6 the question, sir.

7 THE WITNESS: What's the
8 question again?

9 MR. SHEN: Can you repeat
10 the question?

11 INTERPRETER AL-HALABI:
12 (Complies with request.)

13 THE WITNESS: It could be a
14 lot of people that come and make
15 calls sometimes. Sometimes they
16 would use my cell phone. Some --
17 you know, people would come and
18 they would ask my permission, and
19 I would say yes. So it was
20 available for everybody.

21 BY MR. SHEN:

22 Q. Now, sir, you were asked
23 questions --

24 MR. SHEN: We can go off the

1 FBI record, thank you.

2 - - -

3 (End of FBI Protected
4 Material.)

5 - - -

6 VIDEO TECHNICIAN: Okay.

7 I've let everyone back in.

8 BY MR. SHEN:

9 Q. Sir, you were asked
10 questions about an individual named Adel
11 Al Sadhan.

12 Did you ever discuss Khalid
13 al-Mihdhar or Nawaf al-Hazmi with Adel
14 Al Sadhan?

15 MS. PRITSKER: DIB counsel
16 has been admitted back into the
17 room, and was excluded at
18 approximately 3:06 p.m. Eastern.

19 Thank you.

20 THE WITNESS: No.

21 BY MR. SHEN:

22 Q. Did you ever give any
23 instructions to Mr. Al Sadhan?

24 A. No.

1 Q. Did he ever give any
2 instructions to you?

3 A. No.

4 Q. You were asked questions
5 about someone named Mutaeb al-Sudairy.

6 Did you ever discuss Khalid
7 al-Mihdhar or Nawaf al-Hazmi, or any of
8 the 9/11 hijackers, with Mr. Al-Sudairy?

9 A. No.

10 Q. Did you ever give any
11 instructions to Mr. Al-Sudairy?

12 A. No.

13 Q. Did he ever give any
14 instructions to you?

15 A. No, at all.

16 Q. You were asked questions
17 about two individuals, Abdullah
18 Al Jaithen and Majed Al Mersal.

19 Did you ever discuss Khalid
20 al-Mihdhar, Nawaf al-Hazmi, or any of the
21 9/11 hijackers, with Mr. Al Jaithen or
22 Mr. Al Mersal?

23 A. No.

24 Q. Did you ever give any

1 instruction to either Mr. Al Jaithen or
2 Mr. Al Mersal?

3 A. No.

4 Q. Did either Mr. Al Jaithen or
5 Mr. Al Mersal ever give you instructions?

6 A. No.

7 Q. Did you ever stay in the
8 same hotel room for a night with
9 Mr. Al Jaithen?

10 A. No.

11 Q. You were asked questions
12 about Mr. Fahad al-Thumairy.

13 Can you just describe
14 generally your relationship with
15 Mr. al-Thumairy?

16 A. Fahad al-Thumairy is an Imam
17 at a masjid.

18 Q. Was he a friend of yours?

19 A. No.

20 Q. Was he a personal
21 acquaintance of yours?

22 A. No.

23 Q. What was the nature of your
24 conversations?

1 A. There was no -- there was no
2 conversations. Sometimes there were
3 questions about the mosque or something
4 like that. Sometimes we would -- we
5 would order Quran, books of the Quran.
6 And he is -- or he rarely answered.

7 Q. And when was the last time
8 that you spoke with Fahad al-Thumairy?

9 A. I don't remember. It was a
10 long time ago. I don't remember.

11 Q. Have you spoken to Fahad
12 al-Thumairy after you moved from the
13 United States to the United Kingdom in
14 October of 2000?

15 A. No. No, I don't remember.
16 No.

17 Q. Did you ever discuss Khalid
18 al-Mihdhar or Nawaf al-Hazmi, or any of
19 the 9/11 hijackers, with Fahad
20 al-Thumairy?

21 A. No.

22 Q. Are you aware of whether Mr.
23 Thumairy ever met Mr. Mihdhar or Mr.
24 Hazmi or any of the other 9/11 hijackers?

1 A. No.

2 Q. Are you aware of any
3 assistance whatsoever that Mr. Thumairy
4 provided to Mr. Mihdhar, Mr. Hazmi or any
5 of the 9/11 hijackers?

6 A. No.

7 Q. Are you aware of any
8 instructions that anyone provided to Mr.
9 al-Thumairy to assist any of the 9/11
10 hijackers?

11 A. No.

12 Q. Are you aware of any
13 instructions that Mr. al-Thumairy
14 provided to anyone else to assist the
15 hijackers?

16 A. No.

17 Q. All right.

18 MR. SHEN: Let's go on the
19 FBI record, please.

20 Chris, can you, once we're
21 on the FBI record, can you load
22 Tab 74, FBI 1027.

23 - - -

24 (Whereupon, Exhibit

1 The project, ANSS, Dallah.

2 BY MR. SHEN:

3 Q. And, sir, are -- the
4 statements that I read from this summary,
5 are they accurate?

6 A. What statements?

7 Q. The statements from the
8 document that we read. The first two
9 statements, that you were living in San
10 Diego, despite not attending class and
11 receiving a salary from the Kingdom of
12 Saudi Arabia for job duties you never
13 performed.

14 MR. KRY: Same objection.

15 THE WITNESS: No, that's
16 wrong.

17 BY MR. SHEN:

18 Q. The next sentence says that,
19 Shortly after arriving in Los Angeles,
20 the two hijackers had an allegedly
21 accidental meeting with al-Bayoumi who
22 claims to have been in Los Angeles on
23 personal business.

24 Was your meeting with the

1 two hijackers in Los Angeles accidental?

2 A. Yes.

3 Q. The next sentence says that,
4 At this meeting, al-Bayoumi advised the
5 hijackers to relocate to San Diego.

6 A. That's incorrect. Yes.
7 Incorrect.

8 Q. And why is it incorrect?

9 A. Because you're saying that I
10 advised them. I did not advise them. I
11 only told them that the weather is nice
12 in San Diego and it's a beautiful city.
13 Did I guide them? No.

14 Q. The next sentence says that,
15 Once in San Diego, al-Bayoumi assisted
16 the hijackers with a place to live,
17 opening a bank account, and also assigned
18 two individuals to care for them, one of
19 whom was Mohdar Abdullah.

20 Are these statements
21 accurate?

22 A. No, that's incorrect.

23 Q. Did you assign anyone to
24 care for the hijackers in San Diego?

1 A. No.

2 Q. Did you ever assign Mohdar
3 Abdullah to take care of the hijackers?

4 A. No. Mohdar Abdullah
5 provides services for anybody.

6 Q. Did you instruct Mohdar
7 Abdullah to assist the hijackers?

8 A. No.

9 MR. SHEN: If we can go to
10 Page 1032.

11 BY MR. SHEN:

12 Q. There is a sentence that
13 says, There is evidence that Al Jarrah
14 tasked al-Thumairy and al-Bayoumi with
15 assisting the hijackers.

16 A. That's incorrect.

17 Q. Do you recall that Mr.
18 Pounian asked you questions about an
19 individual named Mussaed Al Jarrah?

20 A. No, I don't remember. I
21 don't know.

22 Q. Do you have any relationship
23 with an individual named Mussaed
24 Al Jarrah?

1 A. No.

2 Q. Did anyone named Al Jarrah
3 instruct you to assist the hijackers?

4 A. No.

5 Q. And, sir, you testified that
6 the sentence in this report is not
7 accurate.

8 A. Yes, yes.

9 Q. All right.

10 MR. SHEN: I don't have any
11 further questions. Thank you very
12 much for your time.

13 VIDEO TECHNICIAN: I let
14 everyone back in.

15 - - -

16 (End of FBI Protected
17 Material.)

18 - - -

19 MS. PRITSKER: Are we on the
20 record?

21 MR. POUNIAN: Yeah, we are.

22 MS. PRITSKER: DIB counsel
23 is back in the deposition and have
24 been excluded at approximately

1 3:29 p.m. Eastern.

2 Thank you.

3 - - -

4 EXAMINATION

5 - - -

6 BY MR. POUNIAN:

7 Q. Sir, you said that when you
8 went back to Saudi Arabia in April of
9 2000, you were complaining about your
10 salary.

11 Who were you complaining to?

12 A. (The Witness) To the
13 division.

14 Q. Who at the division?

15 INTERPRETER AL-HALABI:

16 Sorry. The interpreter froze.

17 THE WITNESS: The division
18 of -- the head of the division.

19 BY MR. POUNIAN:

20 Q. And who was that, that you
21 complained to?

22 A. Alp Karli.

23 Q. And you told Alp Karli that
24 you deserved more and that companies

1 Q. You're saying, sir, that you
2 did not tell the 9/11 Commission that you
3 saw al-Thumairy in San Diego?

4 A. No. It's a wrong phrase.

5 Q. Other than Khalid al-Mihdhar
6 and Nawaf al-Hazmi, did you assist any
7 other individuals in obtaining an
8 apartment rental, sir?

9 MR. SHEN: Objection.

10 You can answer.

11 INTERPRETER MIKHAIL: The
12 interpreter will repeat the
13 question.

14 THE WITNESS: I don't
15 remember. The answer is, I don't
16 remember.

17 BY MR. POUNIAN:

18 Q. You can't recall any other
19 occasion in which you assisted anyone
20 with an apartment rental; is that right?

21 A. I don't remember helping
22 anyone.

23 Q. And did you ever, on any
24 other occasions, sign a guarantee for

1 someone for an apartment or for any
2 financial deal?

3 A. No.

4 Q. You mentioned earlier that
5 there was an individual who helped you at
6 one time.

7 Was that Omar Hammerman?

8 A. Who helped me obtain an
9 apartment when I first came, yes, it was
10 Omar Hammerman.

11 Q. Now, according to the
12 interview reports that the FBI prepared,
13 Mohdar Abdullah told the FBI that you
14 asked him to help Khalid and Nawaf.

15 To the -- to the extent that
16 Mohdar Abdullah told the FBI that, sir,
17 is it your testimony that Mohdar Abdullah
18 is not telling the truth?

19 MR. SHEN: Objection.

20 THE WITNESS: That is not
21 true.

22 BY MR. POUNIAN:

23 Q. And [REDACTED] told the
24 FBI that you asked him to help the

1 hijackers. Is that -- that's set forth
2 in the interview statement of the FBI.

3 If that is -- is that
4 statement true, sir?

5 MR. SHEN: Objection.

6 THE WITNESS: No, it is not
7 true.

8 BY MR. POUNIAN:

9 Q. Now, Khalil Al Khalil
10 testified in this case that you came to
11 the King Fahad Mosque looking for Fahad
12 al-Thumairy on several occasions.

13 Is that a true statement or
14 not true statement?

15 A. No, it is not true.

16 Q. You're saying that Khalil Al
17 Khalil was lying when he said that?

18 MR. SHEN: Objection.

19 THE WITNESS: I'm not saying
20 he's lying. What I'm saying, this
21 is not true.

22 BY MR. POUNIAN:

23 Q. And Osama, the convert whose
24 name is Kaysan Morgan testified in this